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# A COMPANION TO THE HISTORY OF THE ROMAN CURIA

*Edited by*

DONALD S. PRUDLO

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A Companion to the History of the Roman Curia

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# Introduction

After the defeat of Simon Magus, Eusebius depicts the Christian followers at Rome as being eager to have a written account of Peter's evangelical teachings. They turned to his secretary Mark, who in turn wrote the gospel that bears his name.[1] Though the historicity of such a story is nearly impossible to authenticate, it is clear that Christianity established a written culture from a very early date. Indeed, an anecdote among Vatican workers runs, "The Roman Curia was born when St. Peter first said, 'Take a letter …'" In reality, the actual structure and function of the assistants of the Bishops of Rome in the pre-Constantinian Church is mostly lost in the dim mists of time but – as the authors in this volume show – the professionalization of Roman episcopal administration by the fourth century demonstrates that such practices had been developing over a long period. We see dim recollections of these in the divisions of Rome into *tituli*, in the development of a sophisticated machinery for the distribution of charity, and even in the rapid development of numerous hierarchical offices in the church, extending down even to the *fossores* who dug the catacombs.

The papal government – or the 'Roman Curia' as it came to be known in the eleventh century – has had a long, winding, and captivating history.[2] It has taken the patient labor of over a century of scholarship to separate and understand the works of the papal government apart from the popes themselves. This academic effort has helped to throw the officials and offices of the Curia into relief and make it possible to study the whole of the apparatus of the pontifical bureaucracy. The present work is the result of a conference held at the Augustinianum in Rome in May of 2022, the same week in which Pope Francis issued the constitution *Praedicate Evangelium*, ushering in his project of reforming the Roman Curia, the fourth such significant reorganization of that body since the beginning of the twentieth century.[3] Indeed one could

1 Eusebius, *Ecclesiastical History*, 2.15.1–2.

2 It seems the word "Curia" is first employed in its present usage in a document issued under Urban II in 1089. C. Morris, *The Papal Monarchy: The Western Church from 1050–1250* (Oxford: 1991), 169. However, "the appearance of the name does not coincide with the origin of the organization itself." E. Pásztor, "La *Curia Romana*," in *Atti della quinta Settimana internazionale di sudio, Mendola, 26–31 agosto 1971* (Milan: 1974), 491; cf. Niccolò Del Re, *La Curia Romana: Lineamenti storico-giuridici*, 4th ed. (Vatican City: 1998), 18, n. 4.

3 There exist many works from within the Curia in the last two centuries offering self-reflections on ongoing reform and, while not necessarily scholarly, they offer significant windows into the evolution of contemporary papal government. See, for example, L.C. Susin, S. Scatena, S.A. Ross, *Reform of the Roman Curia* (London: 2013); P.C. Bonnet and C. Gullo,

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view the whole history of the curia as one of perpetual reform, a microcosm of *ecclesia semper reformanda*. The purpose of our conference was to set such reforms in their historical contexts, by offering an examination of the papal court and government in its many facets going back to their first appearance in documentary sources. The papers were meant to reflect on this enduring, influential, and often misunderstood institution. As the Curia evolved its influence and power grew, as well as its complexity. In many ways it was a protype for the bureaucracies of the modern age. As such, it was often maligned and disparaged. The sheer difficulty of negotiating its processes caused Petrarch to call it "inextricabilis curie labyrintus" ("the impossibly tangled labyrinth of the Curia.")[4] Yet it was not only bureaucratic inefficiency that was pilloried. Even earlier, the *Carmina Burana* had satirized the administrators of the Curia in the "Gospel of the Mark of Silver." In this short story, papal officials turned away a poor cleric because he would not offer the customary bribes.[5] Before that we find a text from around 1100 that details the "Translation of the Relics of Albinus and Rufinus" in Rome, not referring to saints, but to the silver and gold that had to change hands for any business to be transacted at the Holy See.[6] Indeed as time went on, and especially after the Protestant Reformation, the Roman Curia was depicted as the seat of intrigue, terror, and obscurantism. In a famous story, the Venetian Paolo Sarpi, a virulent critic of the Holy See, was stabbed one evening in Venice. He survived, though his doctor marveled at the brutal and rough nature of the wounds. Sarpi replied with a famous pun: "agnosco stylum Romanae Curiae" ("I sense the style of the Roman Curia") with "stylum" in this case having a triple meaning of "pen," "manner of operation," and "dagger."[7] It is layers of historical prejudice such as these that careful

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*La Curia Romana nella Cost. Ap. "Pastor Bonus"* (Vatican City: 1990); F.A. Arinze, *La Curia romana: Aspetti ecclesiologici, pastorali, istituzionali, per una lettura della "Pastor bonus": testo e commenti* (Vatican City: 1989); P. Poupard, *Connaissance du Vatican: Histoire, organisation, activité*, 2nd ed. (Paris: 1974); F.M. Cappello, *De Curia romana iuxta reformationem a Pio x sapientissime inductam* (Rome: 1911); B. Ojetti, *De Romana Curia: Commentarium in constitutionem apostolicam "Sapienti consilio": Seu De curiae piana reformatione*. (Rome: 1910); J. Simier, *La Curie romaine: Notes historiques et canoniques d'après la Constitution "Sapienti consilio" et les autres documents pontificaux* (Paris: 1909).

4 Cf. Barbara Bombi's chapter herein. Francesco Petrarca, *Le Familiari*, ed. V. Rossi (Florence: 1933–1942), III, 112.

5 P. Diemer and D. Diemer., "Die Carmina Burana", *Carmina Burana: Text und Übersetzung*, Vollmann B.K. (ed.), (Frankfurt am Main: 1987); *Carmina Burana*, D.A. Traill (ed.), 2 vols. (Cambridge, MA: 2018), I.148–151.

6 R.M. Thomson (ed.), *Tractatus Garsiae, or The Translation of the Relics of ss. Gold and Silver* (Leiden: 1973).

7 For Sarpi, see: Kainulainen J., *Paolo Sarpi: A Servant of God and State* (Leiden, 2014).

scholars have to peel back in order to see the institution often hidden behind the animosity.

Such tales have often informed the public perception of the Roman Curia, with attitudes ranging from resignation to bureaucratic inefficiency to outright affirmations of corruption. Such suspicions are cast upon many institutions of professional administration, but in the case of the Roman Curia, the seeming contradiction between its worldly operations and its spiritual mission tends to exacerbate the situation. In many cases one can identify the truth in such claims, but in reality there is something more significant here. As St. Augustine teaches, there can be no corruption where there was not first goodness and order.[8] The Court of the Roman Pontiff is the oldest enduring corps of administrators in human history. Through nearly two millennia it has innovated and proven itself adaptable and agile in a plethora of different situations. It has not only survived, but it has thrived, expanding to meet challenges as they arose. Indeed, the Roman Curia was the first truly global government in history, with a purview reaching far beyond any human empire. While it is natural to see the decadence and corruption that could set in given such power and oversight, one must not mistake the vitality and creativity that enabled such a set of institutions to endure.

Long hidden behind the popes they served, as scientific history began in the nineteenth century, careful scholars went to the sources in order to begin to form a picture of the government of the Holy See.[9] Scholars are fortunate that Roman Christianity developed in a written culture where texts were of the utmost importance, particularly those that betokened legitimacy and authority. Indeed, one can say that the very claims of the Roman Bishop drove both the production and conservation of correspondence between him and the rest of the world. Such documentation has been at the root of scholarly reconstruction of the machinery of papal government. Today, specialists gather at the Vatican Archives and at the Apostolic Library in order to mine the trove of texts that have survived in astonishing numbers. This has resulted in a surfeit of research on the many offices of the Roman Curia and their places in the religious history of the west and the world. Indeed, the waning of the period of

8 Augustine, *Confessions*, 7.12.18.

9 One thinks particularly of the careful work of Ranke and von Pastor. While one should see the individual chapters and the bibliography for particular works, some general efforts that appeared around the turn of the 20th century are: D. Bouix, *Tractatus de Curia Romana: seu de cardinalibus, Romanis congregationibus, legatis, nuntiis, vicariis et protonotariis apostolicis* (Paris: 1880); P.A. Baart, *The Roman Court: Or A Treatise on the Cardinals, Roman Congregations and Tribunals, Legates, Apostolic Vicars, Protonotaries, and Other Prelates of the Holy Roman Church*. (New York: 1895); and E. Ruck, *Die Organisation der römischen Kurie* (Tübingen: 1913).

confessional history and the opening up of a multitude of archives has enabled penetrating scholarship in a number of areas to come to the fore.[10] Scholars have been able to take a dispassionate look at the various manifestations of religious and secular administration conducted by the Roman See, and to offer an assessment as to their origins, nature, purpose, and ends. Such study has led to impressive results in fields such as institutional, intellectual, and social history. The works in this text present findings covering all chronological ages of Christianity and focus on the several offices of the curia as they morphed over the ages, up to the period of the French Revolution.

The various competencies and officials of the Roman Church form the main subject for these chapters. Often the reader will be presented with an array of offices that evolve in both form and function over the course of centuries. While different divisions can be made, the early Curia had four main competencies. The first – and perhaps oldest – is the Chancery (sometimes called the Chancellery). This was the office that produced the written records of the Holy See and, as time went on, recorded them in archives and libraries. The second is what can be termed the "legal" department, comprised of various religious and civil lawyers called "defensores". These maintained the legal claims of the Church and helped to answer appeals to the Holy See. The third are the complex offices of papal finance, including officers such as the *Arcarius* and the *Sacellarius*. These were entrusted with raising funds and maintaining property and records in order to strongly establish the governance of the pope. Finally, there was a papal household, that oversaw the everyday needs of the see and guarded the moveable treasures of the Roman Church. Such an office included the numerous papal chaplains that celebrated the complex Roman Basilican liturgies. All of these evolved throughout the Middle Ages, until a definitive professionalization occurred after the council of Trent.[11] The most prominent of these were the Secretariat of State, which handled papal diplomacy; the Congregation of the Inquisition (later the Dicastery for the Doctrine of the Faith), in charge of matters of orthodoxy; the Congregation of the Council (later the Dicastery for Clergy) that handled the implementation of

10 For a representative, broad overview of the Curia, see especially the works of H. Scharp, *How the Catholic Church Is Governed*, trans. of 4th ed. (Freiburg: 1960) and N. Del Re, *La Curia Romana*, which is indispensable as an introduction to the early modern and modern curias.

11 Highly recommended for the Tridentine period is, *A Companion to the Early Modern Cardinal*, eds. M. Hollingsworth, M. Pattenden, and A. Witte, Brill's Companions to the Christian Tradition, Volume 91. (Leiden: 2020). For the medieval period, see *A Companion to the Medieval Papacy: Growth of an Ideology and Institution*, eds. K. Sisson and A. Larson, Brill's Companions to the Christian Tradition, Volume 70 (Leiden: 2016).

the Tridentine decrees; and the legal bodies called the Apostolic Penitentiary and the Roman Rota. There were over a dozen others. Of course all of this is a radically simplified plan, but one that will be engaged with in detail in the present work.

This book is divided into four main parts, each representing a long chronological period. The first deals with the creation and early evolution of the mechanisms of Roman Curial administration, from its earliest records to the end of Late Antiquity. In particular, there are analyses from a number of angles regarding the papal archives. Part 2 deals with the Curia as it came to maturity in the early and central Middle Ages. Next follow studies of the administrative instruments of the Roman See as they developed in the late medieval period, particularly in Avignon, during the Western Schism, and in the period leading up to the Reformation. The final part is concerned with how the Curia evolved in response to the challenges of confessionalization on one hand and globalization on the other. Using this organizing structure, we can come to a fairly comprehensive view of the working of the Curia from its beginnings up to the French Revolution.

The first chapter in part 1 deals with descriptions of early papal officials by Rosamond McKitterick. She does this with close textual analysis of the *Liber Pontificalis*. This work was likely compiled in the early sixth century and was gradually augmented as time went on. While material for early popes is largely apocryphal, as the work reaches the time of its composition in the late fifth-early sixth centuries it provides a valuable picture of ecclesiastical life in Rome. First, she gives a useful overview of the history of this complex document's composition, contending that it was primarily used to communicate the cultural memory of Christian Rome. In particular, McKitterick turns from a focus on the work of the early Curia to the officials themselves. She analyzes the career paths of the men who became pope in order to discern patterns in curial behavior, showing how authority was passed on by previous officeholders to those who succeeded them. Demonstrating the necessary skills for a successful curial career, McKitterick outlines the various linguistic and administrative tools possessed by papal officials. She notes that the book helped to transform the papal archive into an historical narrative, creating institutional and cultural memory dedicated to preserving and advancing papal interests.

Next, Bronwen Neil examines the *Collectio Avellana* that documented papal epistolary exchanges between 367 and 553. She traces the shadowy beginnings of the papal archive into an office that achieved significant maturity by the time of the Acacian schism (484–519). Even after this episode, evolution continued, as papal officials began to model themselves on their imperial counterparts, indicating the deepening significance of correspondence with the Holy

See. In particular, Neil traces the implications of the collection in the context of the schism between Rome and Constantinople at the end of the fifth and the beginning of the sixth centuries. Examining both the letters included in the collection as well as those omitted from it, she notes that the strategy of the compiler seemed to be directed towards reconciliation between the two sees by omitting epistles that were incendiary. Neil then offers an argument presenting Dionysus Exiguus as the compiler of at least part of the collection. She also contends that the later part of the collection was designed to help navigate the next complex schism: that of the 'Three Chapters' (553–698/715).

Rita Lizzi Testa explores the functions of the ancient archives of the early papacy. She defends an early development of the culture of writing surrounding the Roman Bishop. Set in the context of Greek and Latin cultures dominated by rhetoric and written records, Christianity quickly copied the means to preserve and promote its message. She also details the cooperation of various Church officials with their imperial counterparts after the legalization. Carefully tracing the surviving documentation, Lizzi Testa demonstrates the activities of a primitive chancery even to the years immediately following the Battle of the Milvian Bridge. She concludes that, given the high level of expertise demonstrated by the Roman Curia at the time of Damasus (r. 366–384), it is clear that a papal archives and libraries had already been long established.

In the next chapter Dominic Moreau examines the rise of legislative power in the Roman church, especially through its archives and epistolary collections. He describes the difficulties in discerning the evolution of curial structures, particularly in the age before Pope Damasus. Moreau cautions scholars against projecting medieval or early modern conceptions back into our analysis of early papal letter collections. He provides a genealogical outline of such misreadings of early papal history down to the present day. Drilling into the extant materials, Moreau then considers all available data from the fourth and fifth centuries as to the nature of document preservation in the Roman See, but trains particular attention on canonical collections. Using close textual examination of marginal notation, he speculates as to the type of organization used by the early papal archive. He concludes by speculating on both the contents and the configuration of the papal collections.

Part 2 of the book moves into the central Middle Ages, a period in which the Curia had matured into an exceptionally professional bureaucracy. Bruce Brasington outlines the process of appeal to Rome in the twelfth century. After describing the procedures, he goes on to examine the history of the system. Giving numerous examples of the different types and conditions of appeals, Brasington discusses the varying restrictions on the amount of time and money allowed for appellants to press their cases. Both restrictions were created

to deal with the enormous amount of appeals pouring into the papal court. Brasington proposes that these strategies to limit and control the appeals process were curial experiments. Such procedural efforts paralleled other developments in canonical jurisprudence and legal rationality as the law moved to a more fully administrative basis.

Danica Summerlin's contribution continues the examination of the twelfth century, in this case the relationship the Curia had with Councils and Synods. She begins with an overview of the extant narrative sources that describe the functions of curial officials at papal councils. She notes that the presence of the cardinals and curial officials was always noted by observers. Summerlin explores the unusual office of "cardinal subdeacon", junior members of the curia who were sometimes dispatched with letters or instructions. Such officials often served as specialists or experts, always on hand to advise on technical issues during conciliar sessions. She shows how curial officials were present at every stage, before, during, and after synodal proceedings. While demonstrating the increased efficiency with which the Curia could work, sources from the time also show evidence of internal rivalries. Even given this, they were critical to the efficient functioning both of the councils and of papal policy.

In my chapter I analyze the collaboration between the Roman Curia and the new mendicant orders in the thirteenth century. From the earliest days of the orders, the Curia presciently saw opportunities to collaborate and cooperate with the Dominicans and Franciscans in the project of expanding curial influence. This developed in four main areas. In the first place came patronage, particularly in the form of the office of Cardinal-Protector. The development of permanent proctors at the Curia ensured that a constant presence would be maintained to negotiate relations between the two groups. The acquisition of privileges was another axis on which the Dominicans especially used their curial influence to expand their project. In return the Curia obtained men in every Christian city who were well trained and personally beholden to the Holy See. Another unexpected way in which orders and the Curia cooperated was in the adoption of the Curial liturgy by the Franciscan order, which then deployed it throughout Christendom, a prelude to its eventual adoption by nearly the whole of the Latin church after Trent. Finally, the issue of Franciscan ownership of property became one of the keys to curial-mendicant cooperation. Because of the Minorites' refusal of corporate ownership, it became vested in the Holy See. For all of these reasons, I argue that the cooperation of the orders and the Curia resulted not only in a symbiotic relationship, but in a very real sense the 'mendicantization' of many curial offices, and the election of both a Franciscan and a Dominican as pope before the end of the 1200s.

Sandro Carocci opens the third part with his chapter, in which he discusses the phenomenon of nepotism at the Curia in the central Middle Ages and during the Renaissance. He describes the gradual evolution of the practice from a rational and widely accepted activity to being a subject of widespread moral condemnation. It was only in the late seventeenth century that criticism of nepotism reached fever pitch. He describes the efforts of historians to separate the morality of the practice from its actual function, in order more deeply to understand it. It was essential, in the period after the Gregorian reform, to populate the Curia with trusted people. Indeed, it was the only way to ensure the pacification of the Papal States with any degree of success. Yet this strategy mostly benefitted existing Roman noble houses. Popes from lesser families or those whose origins were outside the city had fewer opportunities to leverage this advantage. By the Renaissance the popes were able to farm out benefices to family members, without necessarily entrusting them with actual government. The exception to this was the development of the Cardinal-Nephews, who became major power brokers at the Holy See. In addition, during the Renaissance the balance of power shifted from the college of Cardinals to the papacy, limiting the ability of cardinals to practice nepotism. The internationalization of the college also inhibited efforts to form the kind of kinship networks that had flourished in the past. Carocci argues that nepotism was an integral part of the Curia and that it is critical to understanding its evolution and structure.

Anthony Lappin focuses on curial education and the transition from the position of 'lectors at the Roman Curia' to the significant office of 'Master of the Sacred Palace.' He situates the rise of curial training to the general educational ferment of the early 1200s. While evidence exists for Dominican involvement in such an office from the 1230s or earlier, the first certain mention of a *studium generale* at the Curia is in 1251. This institution, meant to be mobile so it could follow the itinerant Curia, comprised both theological and canonical learning. Lappin also argues that the *studium* at the Curia was meant for formation, rather than qualification, since it did not seem to grant degrees. By the second half of the thirteenth century a series of prominent lecturers appeared at the Curia, many of them Franciscan. This may indicate a shift from an in-house school for the lower liberal arts to a more professional body. Lappin demonstrates that such a lectureship was often a springboard to promotion to higher offices. It was not until the 1340s in Avignon that the position became definitively Dominican by custom. Though this was not without pushback from the other orders, the Preachers eventually secured the office, which they continue to occupy to the present day under the title "Theologian of the Papal Household."

Peter Clarke turns our attention to the office known as the Papal Penitentiary. Discussing how medieval Catholics came into contact with Rome, he discusses both pilgrimage and appeal, before turning to the papacy as a source of favors. This especially regarded absolution from reserved sins, a streamlining of the older processes associated with pilgrimage. Overwhelmed by an increasing number of requests, the popes delegated their authority in such cases. He traces such delegations through their legal instruments in the thirteenth century. By the mid-fifteenth century the office had become the central clearinghouse for matrimonial questions, but such cases did not exhaust its competence. Clarke describes the registers produced by the office in order to understand better its day-to-day operations. Its distinction from the Chancery and its handling of matters more related to dispensations often meant that it was more accessible to the lower classes. He ends with an analysis of the changing nature of the Penitentiary in response to the Protestant Reformation.

Barbara Bombi begins her chapter with a discussion of the origins and uses of the word *curia* in the central Middle Ages. She then dives more particularly into to the work of the papal chancery, the office that handled administrative and diplomatic tasks for the Roman See. Arguing against the application of a Weberian model of bureaucracy, Bombi suggests a more primitive, but still creative, model. She describes the many innovations in the office from Urban II (r. 1088–1099) through Innocent III (r. 1198–1216) that served to create efficient operating conditions. In particular, this meant the refinement of the *stilus curie* from the *ars dictaminis* tradition. In addition, she connects the building and growth of the papal palace at Avignon to the proliferation of curial offices. Bombi demonstrates how the papal government was constantly undergoing administrative changes and reforms in order to deal with the amount of material that passed through the Curia. She outlines the process for the production, control, and dispatch of papal and curial documents at the time. Her picture is one of an agile staff responding to a papacy rapidly increasing in scope and power, one that used legal skill and creativity to meet the problems of the day.

In the final chapter of the late medieval part, Kirsi Salonen provides an examination of the Sacred Roman Rota. This office was, in essence, the court of final appeal for all Christians as well as the court of first instance for the Papal States. It was under Innocent III that the volume of appeals became too much for the pope to handle personally, so that he permanently delegated judicial cases to his cardinals. After a century, John XXII (r. 1316–1334) systematized the office in 1331 and regulated its activities, with further clarifications coming in 1340 and 1375. Such reforms continued into the fifteenth century as well. Salonen then goes on to describe the various functionaries and procedures of the office. She notes that despite the supreme authority of the Rota, it had

no power actually to enforce its decisions outside of ecclesiastical sanctions. Salonen offers a detailed explanation of the remaining Rota sources that are open to historical analysis and gives an account of the historiography. She then goes on to offer a discrete examination of some specific Rota cases. In this she demonstrates, contrary to expectations, that the Rota was in many cases an effective tribunal, but one that could also be abused by powerful parties to cow their opponents into submission.

Miles Pattenden's chapter begins the final part of the present work. This contribution studies the Curia in the early modern world as it dealt with both the Reformation and the challenges of globalization. In his chapter, he asks the critical question, "where do we locate the Curia?" He remarks that the Curia flourished in Avignon, while the city of Rome suffered from generations of neglect. Pattenden surveys the historiography regarding the papacy's effort to embed itself into the local fabric of Italian politics after the end of the Western Schism. He carefully traces the challenges and innovations of the Renaissance popes as they inserted themselves back into Roman life. Pattenden marks Sixtus IV's (r. 1471–1484) employment of the sale of offices as key to stabilizing the expenditures of the Holy See. He then analyzes the arrival and deployment of humanism, as well as the effects of the Renaissance papacy on the fabric of Rome itself. He concludes by examining and partially challenging some of Paolo Prodi's dominant views of the papacy during the period.

In her chapter on Europe and the Roman Curia, Elena Bonora studies how religious and political developments during the Counter-Reformation affected the structure of the Roman Curia. In particular, she focuses on the Holy Office as the focal point for curial change and action. Bonora sees the post-conciliar period dominated not by the reforming energy of Trent, but rather by the powerful Congregation of the Inquisition (the "Holy Office"). Inquisitors leveraged their doctrinal powers not only to quell dissent, but to provide political ammunition against their enemies. Indeed, the Holy Office attempted to extend its authority so widely that it claimed the power to judge the theological orthodoxy of the pope himself, a position that ironically tended to subvert notions of absolute papal monarchy. In a similar way, the Roman Inquisition was able to monitor and restrict the actions of papal diplomats. Even a chance conversation with a heretic could provoke suspicion by the Holy Office. Bonora stresses the specifically Italian context in which the Roman Inquisition worked and contends that only within such a context can its actions be understood. She also sees the rise of *Propaganda Fide* as a necessary consequence of the failure of the Roman Inquisition to measure up to the realities of a multi-confessional European space and argues that it was fundamentally directed towards intra-European issues and not primarily to the foreign missions.

Maria Teresa Fattori focuses her chapter on the Congregation of the Council in its attempts to ensure proper reception of the Tridentine decrees. She first discusses the foundation and purposes of the congregation before going on to examine its work in interfacing with the decrees of provincial councils. Fundamentally, the congregation was for creating the authorized papal interpretation of the conciliar canons while at the same time resolving difficulties from around the Catholic world. This also resulted in the office becoming in a sense a final court of appeals regarding the proper reading of the texts. Over time, the decisions of the Congregation became binding not only for litigants, but for the Church at large. Fattori discusses the resolution of many of the problems of overlapping jurisdiction between the various congregations and analyzes the different stages in the evolution of the dicasteries. In particular, she focuses on the development of the *recognitio* by provincial councils. This resulted in an exceptional level of activity until the foundation of *Propaganda fide* in 1622. She also details many of the particular issues that arose in the *recognitio* process, in particular the difficulties surrounding voting rights and the duration between provincial councils and diocesan synods.

Turning to the East, Cesare Santus examines the attitudes of the Curia to the non-Roman ecclesial communities in union with the Holy See. In the early modern period, he discerns three separate attitudes adopted by Rome: diplomatic-cultural, missionary, and inquisitorial. Santus pursues this through an analysis of the careers of several prominent eastern clerics in Rome. Despite various official policies, he demonstrates the sophistication of many members of the Curia in responding to the needs of the Christian east. Santus illustrates the various changes in direction occasioned by the birth of *Propaganda fide* in addition to the difficulties posed by the Holy Office in its work. Over the course of three centuries, there was a progressive institutionalization in the relations between the Curia and the Christian East, while some Eastern clerics managed to carve out a role as mediators between Rome and the newly established Eastern Catholic churches.

Massimo Carlo Giannini offers a detailed portrayal of the papal financial apparatus in the early modern period. He points out the difficulties of separating papal "spiritual" revenues – meant for the universal mission of the Church – from "temporal" ones for the subvention of the Papal States. He demonstrates that the papacy found its expenditures reduced throughout the seventeenth century in order to service the interest on its debt, even though interest rates were lower than before. Giannini examines the various bond-issuing *monti* in detail in his analysis. He lays out the extraordinary variety of taxation and fiscal collection methods used by the Curia. In particular, he looks at the imposition of tithes on church incomes by Urban VIII (r. 1623–1644) as a way to regularize income in the face of significant demands on the treasury brought about by

the Thirty Years' War. Finally, he describes the reform of papal revenue under Benedict XIV (r. 1740–1758) and Pius VI (r. 1775–1799) in the eighteenth century, a consolidation that proved unequal to the collective debt burdens of the Holy See on the eve of the French intervention by Napoleon.

In the final chapter of the book, Giovanni Pizzorusso offers an examination of the founding of *Propaganda fide* and its activity throughout the world through the eyes of Francesco Ingoli, its first secretary. He describes the copious amounts of information that flowed into the congregation as well as its employment by the officials of *Propaganda*. In particular, he focuses on Ingoli's apprehension of conditions in the New World by drawing on his work *Description of the Four Parts of the World*. Written with style and elegance, Ingoli's work proves exceptionally well informed, given its early date, while also repeating then-current misconceptions. His chief concern was missionary, and the work particularly concerns itself with issues surrounding the territories controlled by the Catholic European powers and those that were not. The highly sensitive nature of ecclesiastical politics in the New World that was under Spanish dominion come across clearly in Ingoli's volume. He also demonstrates knowledge and concern about the Protestant settlements of the English and Dutch. Ingoli's work is descriptive, while at the same time proposing a missionary optimism for the conversion of the denizens of the New World. It also underscores the utility and centrality of Ingoli's own congregation of *Propaganda fide* and is an example of the high quality of work able to be produced by curialists.

While no single volume can do proper service to the long and complicated history of papal administration, it is hoped that the many studies contained herein will offer the reader a solid overview of the many facets of the Roman Curia. What emerges from these chapters is a picture of institutions that have had to negotiate the vicissitudes of the Incarnational vision of the Catholic Church, one that was at the same time spiritual and temporal. In many cases, the officials of the Curia were not up to the elevated ideal demanded by the claims of Christianity and the papacy, yet in others they demonstrated intrepidity, creativity, and, in some cases, genuine sanctity. The paradox of the Roman Curia is that it has survived many challenges and world-changing situations and yet continues to exist, while at the same time finding itself subject to nearly perpetual and universal calls for its reform. These administrators have had to exercise leadership and power in an institution whose inspiration demands that "the first shall be last" (Mt 20:16) and that "he who would be great among you must be your servant and whoever would be first among you must be the slave of all" (Mk 10:43–44) That many have not lived up to the fullness of this ideal should not surprise us in the least; that some have should indeed occasion admiration.

# PART 1

## *The Early Evolution of the Structures of the Roman Curia*

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CHAPTER 1

# The Versatility of the Early Medieval Papal Officials in the Light of the *Liber pontificalis*

*Rosamond McKitterick*

On 5 October 710, Pope Constantine I sailed from Portus Romanus to Constantinople. In his retinue were Nicetas bishop of Silva Candida, George bishop of Portus, the priests Michael, Paul and George, the deacon Gregory, the *secundicerius* George, John the chief of the *defensores*, Cosmas the *sacellarius*, Sisinnius the *nomenclator*, Sergius the *scriniarius*, the subdeacons Dorotheus and Julian, and a few clerics from the remaining ranks of the church.[1]

This extract is from the account of the career of the 90th pope, Constantine I, provided in the set of papal biographies known to modern scholars as the *Liber pontificalis*. The list of papal officials is apparently in order of precedence. The bishops of the sees of Silva Candida and Portus were among the small group of Roman suburbicarian bishops closely associated with the papacy. The bishops of Portus, Albano, and Ostia, for example, were those customarily designated in the early Middle Ages to consecrate the pope.

Of the others listed in the papal party, the priest George was left behind at Naples (the text does not explain why), and Bishop Nicetas died a little further on the journey, at Callipolis (probably Gallipoli in southern Apulia). Gregory the deacon, however, appears again in Life 91 as Pope Gregory II (715–731), where it is explained that "he was brought up in the patriarchate [that is, at the Lateran]. Next he was advanced to the order of the diaconate and set out with the holy pontiff Constantine for the imperial city."[2]

Gregory's presence in the papal legation may perhaps be explained by his theological expertise. His own Life describes him as "chaste, learned in divine scripture, eloquent and of resolute mind, a defender of the church establishment and a strenuous adversary of its assailants."[3] The interpolated or second

1 *Liber pontificalis*, ed. L. Duchesne, *Le* Liber pontificalis: *Texte, Introduction et Commentaire*, 2 vols (Paris: 1886–1892, repr. 1955 (hereafter references will be to 'Life' and chapter in LP I and LP II and the English translations are those of R. Davis), Life 90, c. 3, LP I, 389–90; R. Davis, *The Book of Pontiffs* (3rd ed., Liverpool: 2010), 88.

2 Life 91, c. 1, LP I, 396; R. Davis, *The Lives of the Eighth-Century Popes* (Liber Pontificalis) (Liverpool: 1992), 3.

3 Life 91, c. 1 LP I, 396.

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version of his biography, moreover, adds that "in the time of Pope Sergius (687–701), Gregory was made subdeacon and *sacellarius* and given charge of the library" and that while in Constantinople "when the prince Justinian [II] inquired of him about certain chapters [i.e. the canons of the Quinisext Council in Trullo of 692) his excellent reply solved every disputed point."[4]

The other roles ascribed to the members of Pope Constantine I's group can be explained by earlier sections of the *Liber pontificalis*. Thus, George the *secundicerius* held the post of notary and was the second in command in the papal administration, under the *primicerius notariorum*. This post is first mentioned in the *Liber pontificalis* in the entry for Pope Julius I (337–352), who in the middle of the fourth century

> issued a decree … that the drawing up of all documents in the church should be carried out by the *primicerius notariorum* – whether they be bonds, deeds, donations, exchanges, transfers, wills, declarations or manumissions, the clerics in the church should carry them out through the church office (*per scrinium sanctum*).[5]

In Pope Constantine's retinue, John as *defensor primus* was the principal papal official responsible for legal affairs and one of the seven *defensores* assigned to the seven regions of Rome whose creation the *Liber pontificalis* credits to the first century Pope Clement I (ca. 95),[6] while Pope Fabian (236–250) in the middle of the third century is described as dividing the regions among the deacons and "he created seven subdeacons who were to watch over the seven notaries so that they would faithfully collect the complete acts of the martyrs."[7] Of the others mentioned in Pope Constantine I's entourage, the *sacellarius* Cosmas was the paymaster responsible for day-to-day expenses (he was a junior colleague of the *arcarius* or treasurer whose position was well-established by the end of the seventh century).[8] The *nomenclator* Sisinnius was the official responsible for orchestrating papal audiences, and this is the first reference in the *Liber pontificalis* to this office.[9] Sergius as *scriniarius* is the notary or secretary in the *scrinium* also mentioned in the extract from the Life of Pope Julius I.

4 Life 91, c. 1, LP I, 396, LP I, 396; Davis, *Eighth-Century Popes*, 3.

5 Life 36 c. 3, LP I, 205; Davis, *Book of Pontiffs*, 27.

6 Life 4, c. 2, LP I, 123; Davis, *Book of Pontiffs*, 3.

7 Life 21, c. 2: LP I, 148; Davis, *Book of Pontiffs*, 8.

8 On the *arcarius* see Life 81, Pope Agatho (678–681), ch. 17, LP I, 350.The title *sacellarius* is also used in the Life of Pope Theodore (742–649) to describe Donus, master of the soldiers sent by the Exarch Isaac to Rome, *Liber pontificalis*, Life 75, ch. 2; LP I, 331; Davis, *Book of Pontiffs*, 65.

9 LP I, 394, note 10.

Sergius's job probably would have been to make a record of any agreements or undertakings by the Roman group once it had reached Constantinople.

Pope Constantine I himself may already have visited Constantinople earlier in his career, for he may be identified as the subdeacon Constantine who was part of Pope Agatho's embassy to the council in Trullo in 680. The coincidence of names from the Roman clergy who attended the Council in Trullo in 680 has even been thought to be identifiable with figures in the eighth-century fresco discovered a decade ago at Santa Sabina. Here, two figures with square haloes at the feet of the saints are labelled as archpriest Theodore and the priest George and the inscription on the right is a Pope Constantine. Whether this is Pope Constantine I or II is disputed. For our purposes, however, the painting may at least be a representation of a pope with two (former?) members of his household.[10] Another member of the delegation in 680 was the deacon John, of Syrian origin from Antioch who himself became pope in due course as John V (685–686).[11]

These extracts from the Lives of the popes Agatho, John V and Constantine I are among the few explicit references to any papal officials by name as well as title in the *Liber pontificalis*. At a basic level they offer a precious indication of the hierarchy of particular officials within the papal household,[12] and the range of roles then deemed necessary for a papal visit to the emperor in Constantinople. As we have seen, some hints of the evolution of the papal administration before 710 can also be gleaned from earlier papal biographies, not least of the earlier careers of men who in due course were elected bishop of Rome. It therefore appears to be possible to provide a chronology for the existence of the *scrinium* and the officials attached to it. The same Life of Julius I from which I quoted earlier also refers to lawsuits in both public courts and in a church and gives a clear impression of regularising or authorising that

10 Life 81 c. 3, LP I, 350 and 355 n. 6; Davis, *Book of Pontiffs*, 72. See M. Gianandrea, "Nel lusso della tradizione: L'inedita decorazione del nartece di Santa Sabina all'Aventino a Roma (Il nartece di Santa Sabina 1)," *Hortus Artium Medievalium* 20 (2014) 700–708; M. Gianandrea, "Politica dell'immagini al tempo di papa Costantini 708–725: Roma versus Bizanzio," in G. Bordi (ed.), *L'officina dello sguardo: Scritti in onore di Maria Andaloro* (Rome: 2015) 335–342 and J. Osborne, "Rome and Constantinople about the year 700: The significance of the recently uncovered mural in the narthex of Santa Sabina," in Bordi (ed.), *L'officina dello sguardo*, 329–334, and R. McKitterick, "The *damnatio memoriae* of Pope Constantine II (767–768)", in R. Balzaretti, J. Barrow, and P. Skinner, (eds), *Italy and Early Medieval Europe: Papers for Chris Wickham* (Oxford: 2018) 231–248 at 241–242.

11 *Liber pontificalis*, Life 84 ch. 2, LP I, 366; Davis, *Book of Pontiffs*, 78.

12 For a different perspective on the papal household and its role see K. Sessa, *The Formation of Papal Authority in Late Antique Italy: Roman Bishops and the Domestic Sphere* (Cambridge: 2012).

which already existed. It is feasible that the papal office was set up by Pope Julius in the mid-fourth century as the *Liber pontificalis* claims, but it may well be a back projection by the sixth-century authors of the date of the formation of the papal writing office.[13]

Certainly, the *Liber pontificalis* has been comprehensively mined by modern scholars, both for information about the work of a hierarchy of various officials to do the necessary administrative and ceremonial work of the church in Rome and beyond, and to create a necessarily approximate chronology of the development of the papal administration.[14] The *Liber pontificalis*, can of course be augmented with the many allusions to papal officials in papal letters and conciliar *acta*. Nevertheless, the origins and early development of the government of the Roman church remain very difficult to determine, despite the range of different types of texts, letters, the *Liber diurnus* formulary collection,[15] liturgical texts and homiliaries, legal decisions and synodal *acta* that were issued or sent from a papal office.[16] As others have noted, many aspects of the work of the papal office in late antiquity had parallels in late Roman imperial administration,[17] but the personnel and functioning of the papal office have to be surmised or reconstructed from the written documents emanating from the papal office. Yet much of this documentation survives, as we see from other contributions to this volume, in later copies incorporated into 'canonical' compilations or independent letter collections, many made in places far removed from Rome.[18] If we focus on the officials rather than on the work they did, however, the *Liber pontificalis* has more to reveal.

13 For comparison see A. Campiani, "Setting a Bishopric/Arranging an Archive: Traces of Archival Activity in the Bishoprics of Alexandria and Antioch," in A. Bausi, C. Brockmann, M. Friedrich, and S. Kienitz (eds), *Manuscript and Archives: Comparative Views on Record-Keeping* (Berlin: 2018) 231–272.

14 See, for example, S.O. Keller, *Die sieben römische Pfalzrichter im byzantinischen Zeitalter* (Stuttgart: 1904); L. Halphen, *Études sur l'administration de Rome* (Paris: 1907); E. Caspar, *Geschichte des Papsttums* (Tübingen: 1930); J. Richards, *The Popes and the Papacy in the Early Middle Ages, 476–752* (London: 1979).

15 *Liber diurnus Romanorum pontificum*, ed. H. Foerster (Bern: 1958); and see L. Santifaller, L., *Liber diurnus: Studien und Forschung*, ed. H. Zimmermann (Stuttgart: 1976).

16 G.D. Dunn (ed.), *The Bishop of Rome in Late Antiquity* (Farnham: 2015).

17 In this volume see the chapters by Rita Lizzi Testa, Dominic Moreau and Bronwen Neil. See also C. Machado, *Urban Space and Aristocratic Power in Late Antique Rome (AD 270–535)* (Oxford: 2019); T.F.X. Noble, "A Court without Courtiers: The Roman Church in Late Antiquity and the Early Middle Ages", in *Le Corte nell'alto medioevo*, Settimana di Studio del Centro italiano sull'alto medioevo 62 (Spoleto: 2015) 235–257.

18 For example, G.D. Dunn, "*Collectio Corbeiensis*, *Collectio Pithouensis*, and the earliest collections of papal letters", in B. Neil and P. Allen (eds), *Collecting Early Christian Letters: from the Apostle Paul to Late Antiquity* (Cambridge: 2015) 175–205 and the indispensable guide

In this chapter, therefore, I wish to appraise the references to the various officials who figure in the narrative in addition to their evidentiary function. The extracts I have quoted above prompt questions about why such details were included, as well as about the implications of the emergence of popes from the ranks of the papal administration, the skills required of the papal officials, and the relationship between the narrative and the papal archive. Further, I shall reflect on the overall significance of the production of the *Liber pontificalis* itself, for which some of the papal officials, after all, were responsible.

Before addressing these topics, an explanation of the genesis and development of the *Liber pontificalis* may be helpful.[19]

## 1 The *Liber pontificalis*

The *Liber pontificalis* is an historical narrative in the form of a set of chronologically-ordered serial biographies from St Peter in the first century to the 112th pope, Stephen V († 891), though there are no surviving Lives of Popes 109, 110 and 111: that is, John VIII, Marinus, and Hadrian III. Each pope's biography is structured in a similar way with the name, *natio* (which could be understood as where he was born or the place of his family's origin), parentage, length of reign, election, career, buildings (mostly only from Life 34 of Silvester in the fourth century onwards), ordinations, death, and burial, and finally the vacancy before the next pope. Despite its inclusion of the Lives of ninth-century popes, most of the *Liber pontificalis* is not a late ninth-century text. Instead, it is a gathering of different phases of composition, only the latter portions of which are contemporary with their subjects.

I set out below a provisional simplified scheme of the production of the *Liber pontificalis*:

> **LP I** (=Duchesne's 2nd redaction) **c. 536 Lives 1–59:** Peter – Agapitus (†536)
> **LP IIA mid-seventh century? Lives 60–71** Silverius – Boniface V (†625)
> **LP IIB mid-seventh-century? Lives 72–78** Honorius – Eugene I (†657)

in L. Kéry, *Canonical Collections of the Early Middle Ages (ca 400–1140): A Bibliographical Guide to the Manuscripts and Literature* (Washington, D.C.: 1999); for comment see R. McKitterick, "The Church and the Law in the Early Middle Ages", in R. McKitterick, R., C. Methuen, and A. Spicer (eds), *The Church and the Law*, Studies in Church History 56 (Cambridge: 2021) 7–35 at 26–35.

19 For full discussion see R. McKitterick, *Rome and the Invention of the Papacy: The* Liber pontificalis (Cambridge: 2020) 7–16.

**LP IIC later seventh and early eighth century Lives 79–81; 82–90** Adeodatus – Agatho; Leo II – Constantine I (†715)
**LP III eighth-century Lives 91** (2 versions), **92, 93, 94** (three versions), **95, 96, 97** cc. 1–44, 97 cc. 45 to end. Gregory II – Hadrian I (†795)
**LP IV ninth-century Lives 98–112** Leo III; Stephen IV – Stephen V (†891)

I must stress that uncertainties and qualifications remain about all the phases proposed. In the past decade in particular there have been many new discussions, with the publication sequence such as to make it quite difficult for all the scholars involved to keep abreast of the new arguments about the *Liber pontificalis* itself, quite apart from the many new studies of the early medieval papacy and early medieval Rome.[20] One consequence is that there are

20 Only a selection from among the more recent work (and see also n. 21) is possible here, but these studies may act as guides to the earlier literature: W.V. Harris (ed.), *The Transformations of* Urbs *Roma in Late Antiquity*, Journal of Roman Archaeology. Suppl, 334 (Portsmouth, RI: 1999); *Roma nell'alto medioevo*, Settimane di Studio del Centro Italiano di Studi sull'alto medioevo 48 (Spoleto: 2001); *Roma fra oriente e occidente*, Settimane di Studio del Centro Italiano di Studi sull'alto medioevo 49 (Spoleto: 2002); W. Tronzo (ed.), *St. Peter's in the Vatican* (Cambridge: 2005); C. Bolgia, *Reclaiming the Roman Capital: Santa Maria in Aracoeli from the Altar of Augustus to the Franciscans, c. 500–1450* (Abingdon: 2017); M. Maskarinec, *City of Saints: Rebuilding Rome in the Early Middle Ages* (Philadelphia: 2018); H. Geertman, Hic fecit basilicam: *Studi sul* Liber pontificalis *e gli edifici ecclesiastici di Roma da Silvestro a Silverio* (Leuven: 2004); H. Geertman (ed.), *Atti del Colloquio internazionale Il Liber Pontificalis e la storia materiale Roma, 21–22 febbraio 2002*, Mededelingen van het Nederlands Instituut te Rome. Antiquity. 60/71 (Assen: 2003); R. McKitterick, J. Osborne, J. Story, and C. Richardson, (eds), *Old St Peter's, Rome* (Cambridge: 2013); C. R. Behrwald and C. Witschel (eds), *Rom in der Spätantike: Historische Erinnerung im städtischen Raum* (Stuttgart: 2014); T. Marder and M. Wilson-Jones (eds), *The Pantheon from Antiquity to the Present* (Cambridge: 2015); C. Gantner, *Freunde Roms und Völker der Finsternis: Die päpstlcihe Konstruktion von Anderen im 8. und 9. Jahrhundert* (Vienna – Cologne – Weimar: 2014); N. Camerlenghi, *St Paul's outside the Walls: A Roman Basilica, from Antiquity to the Modern Era* (Cambridge, 2018); J. Osborne, *Rome in the Eighth Century: A History in Art* (Cambridge: 2020); L. Bosman, I. Haynes, and P. Liverani, (eds), *The Basilica of Saint John Lateran to 1600* (Cambridge: 2020); P. Winterhager, *Migranten und Stadtgesellschaft im frühmittelalterlichen Rom: Griechischsprachige Einwanderer und ihre Nachkommen im diachronen Verleich*, Europa im Mittelalter: Abhandlungen und Beiträge zur historischen Komparistik 35 (Berlin: 2020); K. Herbers and M. Simperl (eds), *Das Buch der Päpste – Liber pontificalis: Ein Schlüsseldokument europäische Geschichte*, Römische Quartalschrift für christliche Altertumskunde und Kirchengeschichte Supplement Band 67 (Freiburg – Basel – Vienna: 2020); M.R. Salzman, *The Falls of Rome: Crises, Resilience, and Resurgence in Late Antiquity* (Cambridge: 2021); H. Dey, *The Making of Medieval Rome: A New Profile of the City, 400–1420* (Cambridge: 2021); E. Rubery, G. Bordi, J. Osborne (eds), *Santa Maria Antiqua: The Sistine Chapel of the Early Middle Ages* (Turnhout: 2021).

still different hypotheses about the composition of the *Liber pontificalis*, and especially about the earliest portion of the text up to the sixth century.[21]

While there is general agreement that the *Liber pontifcalis* was first compiled in the Ostrogothic period in Rome and within the papal administration in the first half of the sixth century (= **LP I**) for example, there is disagreement about precisely when it was compiled. Whether or not a first edition existed before the so-called second redaction postulated by Louis Duchesne in the 1880s is also disputed. Thereafter, biographies were sometimes added in batches and sometimes on a life-by-life basis, but it is not possible to be precise about when exactly the narrative was resumed and updated again. It is possible that work on the text (**LP IIA, LP IIB**) was resumed in the seventh century in conjunction with the preparations for the Lateran Council of 649, and again for the Sixth Council of Constantinople in the time of Pope Agatho (678–681).[22] Similarly,

21 For example, K. Blair-Dixon, "Memory and Authority in Sixth-Century Rome: The *Liber pontificalis* and the *Collectio Avellana*", in K. Cooper and J. Hillner (eds), *Religion, Dynasty and Patronage in Early Christian Rome 300–900* (Cambridge: 2007) 59–76; H. Geertman, "La genesi del Liber pontificalis romano; Un processo di organizzazione della memoria", in F. Bougard and M. Sot (eds), *Liber, Gesta, histoire: Écrire l'histoire des papes et des évêques de l'Antiquité au XXI^e siècle* (Paris: 2009) 37–107; R. McKitterick, "La place du *Liber pontificalis* dans les genres historiographiques du haut Moyen Âge", in Bougard and Sot (eds), *Liber, Gesta, histoire*, 23–36; R. McKitterick, "Roman texts and Roman history in the early Middle Ages", in C. Bolgia, R. McKitterick, and J. Osborne (eds), *Rome Across Time and Space: Cultural Transmission and the Exchange of Ideas c. 500–1400* (Cambridge: 2011) 19–34; B. Neil, "Crisis and Wealth in Byzantine Italy: The *Libri pontificales* of Rome and Ravenna", *Byzantion* 82 (2012) 279–303; G.E. Unfer Verre, "Ancora sul manoscritto 490: Precisiazioni e problemi aperti", *Rivisita di storia del cristianesimo* 10 (2013) 7–28; C. Gantner, "The Lombard Recension of the *Liber pontificalis*", *Rivista di storia del cristianesimo* 10 (2013) 54–114; A.A. Verardi, "La genesi del *Liber Pontificalis* alla luce delle vicende della città di Roma tra la fine del V e gli inizi del VI secolo: Una proposta", *Rivista di Storia del Cristianesimo* 10 (2013) 7–28; D. Deliyannis, "The Roman *Liber pontificalis*, Papal Primacy and the Acacian Schism", *Viator* 45 (2014) 1–16; P. Blaudeau, "Narrating Papal Authority (440–530): The Adaptation of the *Liber pontificalis* to the Apostolic See's Developing Claims", in G.D. Dunn (ed.), *The Bishop of Rome in Late Antiquity* (Farnham: 2015) 127–140; A.A. Verardi, *La memoria legittimante: Il* Liber pontificalis *e la chiesa di Roma del secolo VI* (Rome: 2016), A.A. Verardi, "Ricostruire dalle fondamenta: L'origine poligenetica del *Liber pontificalis* romano e le sue implicazioni storiche ed ecclesiologiche", in Herbers and Simperl (eds), *Buch der Päpste*, 37–51; M. Simperl, "Ein gallischer *Liber Pontificalis*? Bemerkungen zur Text- und Überlieferungsgeschichte des sogenannten Catalogus Felicianus", *Römische Quartalschrift* 111 (2016) 272–287; McKitterick, *Invention of the Papacy*, 25–35.

22 R. McKitterick, "The papacy and Byzantium in the seventh- and early eighth-century sections of the *Liber pontificalis*", *Papers of the British School at Rome* 84 (2016) 241–273 at 255–63, and compare G. Bordi, "The Apse wall of Santa Maria Antiqua (IV–IX centuries)", in Rubery, Bordi, and Osborne (eds), *Santa Maria Antiqua*, 387–422 at 409.

there are unresolved arguments about who was responsible for the continuations in the eighth and ninth centuries (**LP III and IV**). These later Lives are certainly very different in character. The eighth-century Lives are full of select historical and political detail and exist in a number of variant versions, most notably of Life 94 of Pope Stephen II (752–757) and Life 104 of Sergius II (844–847), and with many interpolations. These additions indicate that the text could be adapted to suit local agendas.[23]

The earlier ninth-century lives are structured as short eulogies accompanied by long lists of papal embellishments of the churches of Rome. The composition of the later ninth-century Lives, of Leo IV (847–855), Benedict III (855–858), Nicholas I (858–867) and Hadrian II (867–872) appears to have been taken over by high-ranking papal officials with a detailed knowledge of, and interest in, political events.[24] Many of the papal biographies (for example, Leo III[25]) included a wealth of material clearly culled from the papal archives, not least the legislative and liturgical contributions made by the popes and the detailed accounts of new churches and the decoration of buildings. Indeed, it has long been surmised that the papal officials responsible for compiling the *Liber pontificalis* as well as supplying the information it contained were the notaries in the *scrinium*, that is, the office and archive in which the papal letter writers worked. Alternatively, the text was the work of the men in the *vestiarium*, that is, the office responsible for papal finances and estates with records of papal endowment, property and expenditure.[26] Some collaborative combination of the two is also possible. Nevertheless, the authorship of every Life in the text remains a matter of conjecture.

A further difficulty is that the early medieval manuscripts of the *Liber pontificalis* do not help to resolve any of these issues of origin or authorship. There is not only a remarkable dearth of early manuscripts containing the ninth-century Lives from Leo III onwards, but the earliest surviving manuscripts of the full

23 L. Capo, L., *Il Liber pontificalis, I Longobardi e la nascità del dominio territorial della chiesa romana* (Spoleto: 2008); F. Bougard, 'Composition, diffusion et réception des parties tardives du Liber pontificalis (VIII$^{e}$–IX$^{e}$ siècles), in Bougard and Sot (eds), *Liber, Gesta, histoire*, 127–152; C. Gantner, "The Lombard Recension of the Roman *Liber pontificalis*", *Rivista di storia del cristianesimo* 10 (2013) 65–114.

24 R. Davis, *The Lives of the ninth-century popes* (Liber pontificalis) (Liverpool, 1995), ix–xii; B. Bon and F. Bougard, "Le *Liber pontificalis* et ses auteurs au IX$^{e}$ siècle: Enquête stylométrique", in Herbers and Simperl (eds), *Das Buch der Päpste*, 286–304.

25 H. Geertman, H., *More veterum: Il* Liber pontificalis *e gli edifici ecclesiastici di Roma nella tarda antichità e nell'alto medioevo* (Groningen, 1975).

26 T.F.X. Noble, "Literacy and the Papal Government in Late Antiquity and the Early Middle Ages", in R. McKitterick (ed.), *The Uses of Literacy in Early Mediaeval Europe* (Cambridge: 1990) 82–108, and Bougard, "Composition".

text to the end of the eighth century date from the late eighth, the ninth and the tenth centuries. With two exceptions, one from Lucca *c.*800 and a codex probably written in Rome in the early ninth century that disappeared in the eighteenth century, these manuscripts are Frankish, not Italian, let alone Roman.[27]

In summary, the *Liber pontificalis* is a Roman text, but no Roman manuscripts of it are now extant from before at least the end of the eleventh century. Only four Italian fragments survive that are datable to the sixth, seventh and eighth centuries. Yet the *Liber pontificalis* was very widely disseminated north of the Alps and, as I have argued in my book *Rome and the Invention of the Papacy*, it was designed to articulate the cultural memory of Christian Rome, and distilled the essential elements that the authors wished to communicate to posterity.[28]

## 2 The Formation of the Papal Administration

One of these essential elements concerned the popes in relation to their household. Certainly, the emphasis in the *Liber pontificalis* is on apostolic succession and an unbroken sequence of Christian leaders from St Peter onwards. Yet even in the very first Life of St Peter, the patterns are set, both of the governance of the church being entrusted to loyal members of the clerical community in Rome, and the elevation to the papal throne in due course of a cleric who had himself served, or been ordained by, one of the popes. Thus, the text describes not only how Peter ordained two bishops, Linus and Cletus, "to be present in Rome to provide the entire sacerdotal ministry for the people and for visitors",[29] but also his charge to Clement: "As the power of government, that of binding and loosing was handed to me by my lord Jesus Christ, so I entrust it to you: ordain those who are to deal with various cases and execute

27 McKitterick, *Invention of the Papacy*, 171–223. On the lost Farnese manuscript see C. Vircillo Franklin, "The Lost *Farnesianus* Manuscript: Uncial Capitals for the Bishops of Rome", in W.V. Harris and A. Hunnel Chen (eds), *Late Antique Studies in Memory of Alan Cameron* (Leiden: 2020) 134–67, and R. McKitterick, "Roman Books and the Papal Library in the Early Middle Ages", *Papers at the British School at Rome* 91 (2023) 93–131.

28 The invocation of cultural memory is in the sense explicated by A. Assmann, *Erinnerungsräume: Formen und Wandungen des kulturellen Gedächtnisses* (Munich: 1999), English translation *Cultural Memory and Western Civilization: Functions, Media, Archives* (Cambridge: 2011) and J. Assmann, *Das kulturelle Gedächtnis : Schrift, Erinnerung und politische Identität in frühen Hochkulturen* (Munich: 1999), English translation *Cultural Memory and Early Civilization: Writing, Remembrance and Political Imagination* (Cambridge: 2011).

29 Life I, c. 3, LP I, 118; Davis, *Book of Pontiffs*, 1.

the church's affairs".[30] Clement, moreover, allegedly created the seven regions referred to earlier, and "On St Peter's instruction he undertook the pontificate for governing the church as the *cathedra* had been handed down and entrusted to him by the lord Jesus Christ".[31]

The priests of Rome and especially those serving the pope are recurring protagonists in the text. Evaristus, the sixth pope, for example, "divided the *tituli* in Rome among the priests and ordained seven deacons to watch over the bishop (i.e. the pope) when reciting mass and safeguard the expressions of the truth".[32] Pope Lucius "gave power over the whole church to his archdeacon Stephen while on his way to his passion".[33] In his turn, after his arrest during the reign of the emperor Gallienus, this same Stephen, now Pope Stephen I (254–257), was arrested and imprisoned with nine priests, two bishops Honorius and Castus, and three deacons, Xystus, Dionysius, and Gaius. Stephen handed over all the church vessels and control of the money chest to his archdeacon Sixtus,[34] who then succeeded Stephen as Sixtus II (257–258).

It is remotely possible that the deacons Dionysius and Gaius can be identified with the popes of that name who succeeded Sixtus. Although Dionysius (260–267) is described as a former monk whose ancestry [the author] was unable to trace, Gaius (282–295) is simply described as born in Dalmatia of the family of the Emperor Diocletian. Neither man is among the six deacons who are recorded as executed with Sixtus II, during the persecutions of the emperor Decius.[35] Sixtus II's archdeacon Laurence, Claudius the subdeacon, Severus the priest, Crescentius the reader, and Romanus the doorkeeper were martyred.[36] Similarly Pope Marcellinus (295–303) in the time of the Emperor Diocletian was executed together with Claudius, Cyrinus, and Antoninus who may have been members of his entourage, and Marcellinus seems to designate Marcellus (305/6–306/7) as his successor.[37] When Felix II (355–365) was beheaded on the orders of the Emperor Constantius, it was the priest Damasus who secured Felix's body for burial, and we then find Damasus chosen to succeed Felix in competition with a rival bid from Ursinus.[38] A number of those

30 Life I, c 5, LP I, 118; Davis, *Book of Pontiffs*, 2.
31 Life 4, c. 3, LP I, 123; Davis, *Book of Pontiffs*, 3.
32 Life 6, c. 2, LP I, 126; Davis, *Book of Pontiffs*, 3.
33 Life 23, c. 4, LP I, 153; Davis, *Book of Pontiffs*, 9.
34 Life 24, c. 2, LP I, 154; Davis, *Book of Pontiffs*, 10.
35 Life 26, c. 1, LP I, 157; Davis, *Book of Pontiffs*, 10; Life 29, c. 1 LP I, 161; Davis, *Book of Pontiffs*, 11.
36 Life 25, cc. 2 and 3; LP I, 155; Davis, *Book of Pontiffs*, 10.
37 Life 30, cc. 3–4, LP I, 162; Davis, *Book of Pontiffs*, 12.
38 Life 38, c. 3 and Life 39, c. 1, LP I, 211 and 212; Davis *Book of Pontiffs*, 28.

who served as papal *apocrisiarii*, that is, as resident papal representatives, in Constantinople became popes, such as Gregory I and Martin I.[39]

A succession practice that draws on the papal household, in modern terms when the civil service takes over the government, becomes far more evident in the later sections of the *Liber pontificalis*, especially once it becomes more usual to devote some sentences to the career of the pope before election.

Benedict II (684–685), for example, is described as serving in the church from early youth. "In divine scripture and in chant while he was still a boy, and then in the office of priesthood, he showed himself as a man worthy of his name".[40] John V (685–686), as we have seen, when still a deacon was in the papal legation to Constantinople in 680,[41] Conon (686–687), although "brought up in Sicily, came to Rome and was brought up in this church and reached the dignity of priesthood".[42]

These descriptions often trace this career in terms of the ordination through the ranks of the clergy who also served particular Roman churches, by a succession of popes.[43] Thus Pope Sergius I (687–701) "came to Rome under the pontiff Adeodatus of holy memory and was numbered among the clergy of the Roman church; because he was studious and competent in chanting he was handed over to the precentor; he became an acolyte, rose through the ranks and was ordained by the pontiff Leo (II) of holy memory as priest for the *titulus* of St Susanna".[44] When orphaned, Stephen II (752–757) stayed in the venerable Lateran chamber to learn the teaching passed on by the apostle, his brother Paul I (757–767) was also brought up in the Lateran and ordained deacon by Pope Zacharias (741–752). Stephen III (768–772) is described as someone who had been sent to the monastery of San Crisogono for his education by Pope Gregory III (731–741) and also served the next three popes, Zacharias,

39 On Gregory I, see Richards, *The Popes and the Papacy*, 293–4, though the *Liber pontificalis* only actually includes this information about Martin indirectly by quoting the emperor's instructions for Exarch Olympius of Ravenna: Life 76, c. 4, LP I, 357; Davis, *Book of Pontiffs*, 68.

40 Life 83, c. 1: LP I, 363; Davis, *Book of Pontiffs*, 77.

41 Life 84, c. 2, LP I, 366; Davis, *Book of Pontiffs*, 78.

42 Life 85, c. 1, LP I, 368; Davis, *Book of Pontiffs*, 79. On *tituli* and the ecclesiastical organisation of Rome's regions see C. Pietri, "Régions ecclésiastiques et paroisses romaines", *Actes du XI^e Congrès international d'archéologie chrétienne*, Collection de l'École française de Rome 123 (Rome: 1989), 1035–1062; J. Hillner, "Clerics, property and patronage: The case of the Roman titular churches", *Antiquité tardive* 14 (2006), 59–68; Hillner, "Families, patronage and the titular churches of Rome, c. 300–c. 600", in Cooper and Hillner (eds), *Religion, Dynasty and Patronage*, 225–261.

43 The archdeacon Pelagius became Pope Pelagius I: Life 61 (Vigilius), c 8; Life 62 (Pelagius I), LP I, 299 and 303; Davis, *Book of Pontiffs*, 57.

44 Life 86, c. 1, LP I, 371; Davis, *Book of Pontiffs*, 80.

Stephen II, and Paul I in the Lateran patriarchate "because of his pious behaviour".[45] Pope Hadrian started his career as a layman but became a cleric, was made regionary notary by Pope Paul I and subdeacon, and Stephen III made Hadrian a deacon.[46] From early youth, Leo III "was brought up and educated in the *vestiarium* of the patriarchate and spiritually trained in all the church teaching; being accomplished in both psalm chanting and God's holy scriptures he was made subdeacon and was advanced to the office of the priesthood."[47] Stephen IV (816–817) was brought up and educated in the Lateran patriarchate in the time of Pope Hadrian and served Leo III.[48] Paschal I (817–824) was also trained in the patriarchate in psalm chanting and Scripture. It was probably by Leo III that he was made subdeacon and priest.[49]

This pattern in the text, giving retrospective papal endorsement of an incoming pope, continues throughout the ninth century. Valentine (827) was advanced through the ecclesiastical grades to the office of subdiaconate by Pope Paschal I, who "bade him be at his service in the Lateran palace … he consecrated him as a deacon of his apostolic see. On account of his merit … he was made archdeacon".[50] Gregory IV (828–844) was described as another of Paschal's protégés, for Paschal made Gregory not only subdeacon but also *sacerdos* (of the titular church of S. Marco).[51] Sergius II (844–847) benefitted from the patronage of no fewer than four popes: he was educated in the *schola cantorum* under Leo III and made an acolyte; Stephen IV made him subdeacon, Paschal I made him priest, and Pope Gregory IV made him archpriest.[52] Leo IV (847–855) also served in the Lateran and benefitted from the attention of Gregory IV, who made him subdeacon. Sergius II ordained Leo priest and *titulus* of Santi Quattro Coronati.[53] Pope Benedict III is yet another pope represented as very well educated in scripture and brought to the patriarchate where Pope Gregory IV made him a subdeacon, and Leo IV consecrated him priest of Callistus's *titulus*.[54] Once placed in the Lateran patriarchate under Sergius II, Nicholas I (858–867) was given the rank of subdeacon; Leo IV

45 Lives 94, c. 1 and 95, c. 1; Life 96 c 1: *pro eius pius conversationibus*, LP I, 440, 463, 468; Davis, *Eighth-Century Popes*, 53, 80 and 88.
46 Life 97 c. 3, LP I, 486; Davis, *Eighth-Century Popes*, 3.
47 Life 98 c. 1, LP I, 1; Davis, *Eighth-Century Popes*, 179.
48 Life 99, c. 1, LP II, 49; Davis, *Eighth-Century Popes*, 234.
49 Life 100 c. 1, LP II, 52; Davis, *Ninth-Century Popes*, 5, note 5.
50 Life 102, cc. 3 and 4, LP II, 71; Davis, *Ninth-Century Popes*, 42.
51 Life 103, c. 2, LP II, 73, Davis, *Ninth-Century Popes*, 49.
52 Life 104, cc. 2–3, LP II, 86; Davis, *Ninth-Century Popes*, 75–76.
53 Life 105, cc. 2 and 4, LP II, 106; Davis, *Ninth-Century Popes*, 111 and 112.
54 Life 106, c. 1 and 2, LP II, 140; Davis, *Ninth-Century Popes*, 167.

made him deacon and employed him in his administration and Nicholas is even described as one of the pall bearers for Pope Benedict III.[55] Hadrian II is described as descended from the family of Stephen IV and Sergius II. Gregory IV made him subdeacon and joined the Lateran household, and he was then made priest of St Mark's titulus.[56]

The reference to Hadrian II's family is a rare instance of kinship between popes or other members of the papal household. Another example is Theodotus, uncle of Pope Hadrian I. Hadrian's family was "of noble ancestry" and his parents were influential Romans. Theodotus himself is described in the *Liber pontificalis* as "formerly consul and duke, later *primicerius* of our holy church" who had brought up and educated Hadrian after the death of the latter's mother.[57] Theodotus has become famous since the discovery of his remarkable and possibly funerary chapel in the Santa Maria Antiqua complex in the Forum, uncovered in 1900, which contains portraits of Theodotus as donor and those who are thought to be members of his family, including the young Hadrian.[58]

The creation of this chapel, the frescoes and their inscriptions attest to both the wealth and religious devotion of Theodotus. An inscription preserved in the church of Sant'Angelo in Pescheria in Rome, moreover, records Theodotus as the donor of many relics of saints he had had deposited in the church, including those of the archangels Gabriel and Michael, the apostles Peter, Paul, and Andrew, and many Roman saints. The inscription adds further information:

> Theodotus formerly dux and now *primicerius* of the holy apostolic see and *pater* of this venerable *diaconia,* built it on his own, for the intercession of his soul and release from all sins.[59]

The emergence of popes from the ranks of the Roman adminstration and clergy, and varied careers such as those of Theodotus 'formerly *dux* and now *primicerius* of the holy apostolic see' and of his nephew Hadrian, well-educated, at first a layman but subsequently notary, subdeacon and deacon before being elected pope, are among many instances of the "versatility" of papal officials

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55 Life 107, c. 4, LP II, 151; Davis, *Ninth-Century Popes*, 206.

56 Life 108, c. 1, LP I, 173; Davis, *Ninth-Century Popes*, 259.

57 Life 97, cc. 1 and 2, LP I, 486; Davis, *Eighth-Century Popes*, 123.

58 See J. Osborne, *Rome in the Eighth Century: A History in Art* (Cambridge: 2002), 94–124 and 126–129.

59 English translation Osborne, *Rome in the Eighth Century*, 115. The inscription is illustrated in L. Cardin, *Epigrafia a Roma nel primo medioevo* (*secoli IV–X*)*: Modelli grafici e tipologie d'uso* (Rome: 2008), Tav. 47 and full transcription of the inscription, 68–69.

that is stated in the title of this chapter. It is also implied by the presence of so many officers of the papal household in the embassy to Constantinople in 710 with which I began this chapter. Service as legates in addition to the *apocrisiarii* was clearly an important aspect of suitably qualified members of the Lateran household and Roman clergy, as other descriptions in the *Liber pontificalis* make clear.

From the Life of Hormisdas (514–523) at the beginning of the sixth century, no fewer than three embassies were sent to Constantinople. The first comprised the bishops Ennodius of Pavia and Fortunatus of Catina, Venantius, priest of Rome, Vitalis, deacon of the apostolic see, and Hilarius, notary of the same see. Hormidas's second group included Bishop Ennodius and Peregrinus of Misenum carrying nineteen letters to confirm the faith and secret admonishments, with a text in the form of *libelli* (of repentance). The third embassy comprised Germanus, bishop of Capua, John, Blandus the priest, Felix and Dioscorus, deacons of the apostolic see, and Peter the notary.[60]

Later eighth- and ninth-century Lives occasionally continue the enumeration of officials accompanying the pope or representing the pope in embassies north of the Alps or to the kingdom of the Lombards. Thus, the Life of Stephen II explains that in 753 the pope took with him from Rome some of the *sacerdotes* and dignitaries and other ordained clerics, and also the chiefs of the *militia*. At Pavia, Pope Stephen II had to persuade King Aistulf to let him proceed to Francia, and thereafter set out for Francia, taking with him "the *sacerdotes* and clergy, George bishop of Ostia, Wilchar bishop of Mentana, the priests Leo, Philip, George and Stephen,[61] archdeacon Theophylact,[62] the deacons Pardus and Gemmulus, the *primicerius* Ambrose, the *secundicerius* Boniface, the regionaries Leo and Christopher, and others as well".[63]

As envoys to King Desiderius of the Lombards, Pope Hadrian I sent Pardus *hegumenos* of St Saba, and Anastasius the *primus Defensor*.[64] To Constantinople and the second Council of Nicaea, Hadrian sent his envoys the venerable Peter archpriest of the holy Roman church and Peter abbot of St Saba called Cella Nova "to encourage them and preach through his apostolic letters … The envoys brought back the synod's decrees in Greek along with the emperor's mandates with their actual signatures. The noteworthy bishop bade them be

60 Life 54 c 2, LP I, 269–70; Davis, *The Book of Pontiffs*, 46.

61 Davis, *Eighth-Century Popes*, 62, note 47, conjectures that this man might be the future Stephen III.

62 Theophylact was a rival candidate for the papal throne when Stephen died.

63 Life 94, c. 23, LP I, 446–7; Davis, *Eighth-Century Popes*, 61–62.

64 Life 97, cc. 21 and 25; LP I, 492–3, 494.

translated into Latin and deposited in the sacred library, and so created a worthy everlasting memorial to his own orthodox faith".[65]

Almost a century later, questions of orthodox faith and the accuracy of reports in Greek and Latin were still on the papal agenda as well as that of the authors of the *Liber pontificalis*. The Life of Hadrian II records a papal audience for Byzantine envoys in 867 in the *secretarium* of Santa Maria Maggiore with the scrutiny by experts in both languages (i.e Latin and Greek) of a book allegedly found in Patriarch Photius's archive and sent to Rome. There was also a challenge to the accuracy of the *Acta* of the Council of Constantinople that had to be checked by Anastasius the *bibliothecarius* of the holy apostolic see, since he was "fluent in both languages" (i.e. Latin and Greek).[66]

Quite apart from theological and intellectual expertise, negotiating skills, administrative experience and clerical and liturgical training, the responsibilities and action expected of emissaries should not be underestimated; they were in consequence carefully selected.[67] Yet it was not simply those who served as emissaries who were so skilled. Linguistic skill would have been a necessary accomplishment for the Roman legates to Constantinople and attending church councils in the east, as well as for those in Rome responsible for interpreting the letters and other texts received from eastern sees and monasteries. References to the knowledge of Greek on the part of particular officials within the Lateran, as well as of the popes themselves, are scattered throughout the *Liber pontificalis*.

There are other indications of communications needing interpretation or the provision of Latin and Greek versions of particular texts, such as the copies Pope Martin had made of the *acta* of the Lateran Council of 649 in relation to Monothelitism which he sent to "all the districts of east and west broadcasting

65 Life 97, c. 88, LP I, 511–512, Davis, *Eighth-Century Popes*, 168.

66 Life 108, cc. 25–45 especially c. 42: *quia in utrisque linguis eloquentissimus existebat*, LP II, 178–82 at p. 181; Davis, *Ninth-Century Popes*, 271–82 at 280.

67 Dorine van Espelo has made the point in relation to both papal and Frankish legates recorded in the letters and the *lemmata* of the papal correspondence preserved in the *Codex epistolaris carolinus*: R. McKitterick, D. van Espelo, R. Pollard, and R. Price, *Codex Epistolaris Carolinus: Letters from the Popes to the Frankish Rulers, 739–791* (Liverpool: 2021), 27 and 437–454. See also A.T. Hack, *Codex Carolinus: Päpstliche Epistolographie im 8. Jahrhundert*, 2 vols, Päpste und Papsttum 35 (Stuttgart: 2006–2007), 987–1028. The names of the members of the papal household or of the retinue/entourage on embassies to Constantinople, the Franks, or the Lombards mentioned in the *Liber pontificalis* are sometimes mentioned in papal letters, notably those that are preserved in the *Codex epistolaris carolinus*, but for the most part the *Liber pontificalis* is the only text which preserves their identities or names.

them by the hands of the orthodox faithful".[68] The *Liber pontificalis* does not say so explicitly, but the texts were in Latin for the west and Greek for the east, and both have survived, as do copies of Pope Martin's covering letter.[69] Phillipp Winterhager's recent book offers an exhaustive investigation of two particular groups of 'Greek speakers' among Rome's early medieval population. He focusses on the Lateran officials who formed part of the papal administration, and monks in those of the small number of so-called 'Greek monasteries' in Rome which produced texts, especially San Saba on the Aventine, San Erasmo on the Caelian hill, San Anastasio, and the *monasterium Renati*. He has mounted a convincing argument to credit the production of the *acta* of the Lateran council of 649 to Lateran officials who were competent in both Latin and Greek, rather than to any group of Greek-speaking monks based elsewhere in Rome.[70]

There is ample evidence that both Latin and Greek were the principal languages of formal communication in the cosmopolitan and multilingual city of Rome in the early Middle Ages. This was due not only to the presence of many Greek-speaking officials, immigrants, and political and religious refugees (many from Palestine and Syria) and their descendants, often into the second and third generations. Hints of their presence and of a Greek-reading audience also emerge from the cultivation of particular Eastern saints' cults, instances of Eastern liturgical observance, and the creation of new texts such as saints' lives and *Passiones*, as well as Greek translations of existing Latin texts in Rome for Romans.[71]

In the eighth century, for example, Pope Zacharias himself described as *natione Graecus* ('of Greek origin'), translated the Dialogues of Pope Gregory I from Latin into Greek which, according to the *Liber pontificalis*, "enlightened many who do not know how to read Latin by the narrative they can read in them".[72] Some of the other seventh- and early eighth-century popes were described in the *Liber pontificalis*, as the sons of men from Antioch, Jerusalem, Thrace, and Sicily, or were themselves designated as of Greek or Syrian origin

68 Life 76, c. 3, LP I, 337; Davis, *Book of Pontiffs*, 67.

69 See McKitterick, *Invention of the Papacy*, 214, and McKitterick, "Roman Books and the Papal Library".

70 Winterhager, *Migranten*.

71 Sansterre, J.-M., *Les moines grecs et orientaux à Rome aux époques byzantine et carolingienne* (*milieu du VI^e s–fin du IX^e s*). (Brussels: 1983), and for a survey of more recent work see V. von Falkenhausen, "Greek and Latin in Byzantine Italy", in S. Consentino (ed.), *A Companion to Byzantine Italy* (Leiden: 2021), 541–81.

72 Life 93, c. 29, LP I, 435; Davis, *Eighth-Century Popes*, 50.

even though they were trained in Rome and in the Lateran household.[73] Both Pope Leo II (682–683) and Pope Gregory III (731–741), were credited by their biographers in the *Liber pontificalis* with proficiency in Greek and Latin. As well as many members of the Roman clergy, many people with Greek names and with eastern Mediterranean family background acted as secular administrators in Rome. How they came to be in these positions remains uncertain, despite long-standing assumptions about the aftermath of the sixth-century 'Gothic wars' of the Emperor Justinian I. As Rome had been in late antiquity, so the city continued to be home to migrants, refugees from political as well as religious persecution, artisans, and labourers, administrators, magistrates, clerics and monks, merchants, soldiers, and diplomats, with Latin and Greek serving as the dominant languages whatever other languages may have been current.

## 3 Commemoration

One further, and crucial, aspect of the *Liber pontificalis* in relation to papal officials is its commemorative function. This is not only in the general sense of the contribution of the papal officials and Roman clergy to the events narrated in the text, and the way in which references to individual officials, the colleagues of the authors of the text, are woven into so many of the papal biographies.[74] There are also very specific and more emphatic instances. One example is that of Ambrose, the *primicerius notariorum* from 742 to 753 who had served Pope Zacharias as emissary to the Frankish and Lombard kings and who was a member of Pope Stephen II's escort to Francia in 753 that I mentioned earlier.[75]

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73 The terms used are *natione Graecus* for Theodore (642–649), son of Theodore, a bishop from Jerusalem, John VI (701–705); Zacharias (741–752), and *natione Syrus* for Pope John V (July 685–August 686) from Antioch, who as a deacon had been sent as a papal emissary by Pope Agatho to Constantinople and brought home the acts of the Sixth Oecumenical Synod, Sergius I (687–701), of Syrian origin but born in Sicily, Sisinnius (January–February 708), Constantine I (708–715), and Gregory III (731–735).

74 See for example, Life 97, c. 16: Anvald *cartularius* of the city of Rome and *sacellarius* Gregory; c. 63: the bequests of Leonius monk, formerly consul and duke, count Peter, Agnes, the former *scriniarius* Agatho's widow, of Theodota the widow of the former *praefectorius* Dominic; and c. 77: of Mastalus the *primicerius*, John the *primicerius*, and a gift of Gregory the *secundicerius*, LP I, 491, 505, and 509; Life 98, c. 14, LP II, 5: Albinus the chamberlain; Life 106 c. 11, LP II, 142: Hadrian the *secundicerius* and duke Gregory; Davis, *Eighth-Century Popes*, 130, 154–55, 163, 186 and Davis, *Ninth-Century Popes*, 172.

75 Life 93 cc. 12, 14, 18 and Life 94, c. 5 LP I, 429–30, 432, 441; Davis, *Eighth-Century Popes*, 42–44, 55.

The party rested at the monastery of St Maurice d'Agaune in the mountains between Italy and the Frankish realms, and "there the *primicerius* Ambrose caught fever and died". An eighth-century epitaph in the old St Peter's basilica, recorded by Tiberio Alfarano before the basilica was demolished, noted that six years after his death Ambrose's body was taken back to Rome and buried beside Pope Paul I's new oratory.[76]

Another, rather more extreme, example is the large amount of space the text accords the activities of the *primicerius* Christopher and his son Sergius the *secundicerius* on behalf of Pope Stephen III. Both officials had led the effort to remove Pope Constantine II (767–768) from the papal throne and put Stephen in his place. Their expertise no doubt contributed to the proceedings of the Synod of Rome in 769 which justified the violent deposition of Constantine II and formulated new rules for papal election. Some of Christopher's speech at this Synod is preserved.[77] But the loyalty of Christopher and Sergius was rewarded by having Stephen turn on them and be complicit in their murders, as a long and careful legal enquiry conducted by Pope Hadrian I established; it was also fully recorded in the *Liber pontificalis*.[78]

The impact on the papal administration as a whole during these years of political upheaval, factional rivalry, and betrayal, and the degree to which the professional duties in relation to papal business, maintenance of the papal registers and letter writing, and the performance of liturgical offices in the basilicas of Rome may have been at odds with personal sympathies, can only be guessed at. Nevertheless, the *Liber pontificalis* authors ensured that these events and their main protagonists, would not be forgotten.

76 Life 94, cc. 18, 22–24: *Ibi Ambrosius primicerius febre correptus defunctus est*; Davis, *Eighth-Century Popes*, 61–62 and LP I, 447; two different versions of the epitaph have been preserved, as discussed by Duchesne LP I, 457–458 with the text of the epitaph and II, 103. It was copied by Tiberio Alfarano, ed. M. Cerrati, *De basilicae vaticanae antiquissima et nova structure* (Rome: 1914).

77 Life 96, cc. 3–24, LP I, 468–477 and Davis, *Eighth-Century Popes*, 88–101. McKitterick, "The *damnatio memoriae* of Pope Constantine II"; for Christopher's speech at the Synod of Rome, preserved in the late ninth-century fragment of the Acta of the Synod of Rome (769), see Verona, Biblioteca capitolare, Cod. LI (53), ed. A. Werminghoff, *Concilia aevi Karolini* (*742–842*), MGH Concilia 2,1 (Hannover: 1906), 74–92, at 83–85.

78 Life 97, cc. 9–17, LP I, 488–91, and Davis, *Eighth-Century Popes*, 127–131; McKitterick, "The Church and the Law", 7–16.

## 4 Conclusion

The narrative of the *Liber pontificalis* clearly rests on information drawn from the papal letter registers and other archival and library material in the Lateran and the city of Rome.[79] It may also derive from eyewitness oral reporting to colleagues. When this narrative was disseminated, moreover, the archival material it contained was an essential element of the text and in a position to influence the subsequent assembly of legal and documentary material as well as the record of events by other history writers.[80] It is consistent with the other chronologies for papal law-making, liturgy, and institutions in the *Liber pontificalis*, that authors should also have provided an early origin for the church archive, implying that it already existed when Pope Anteros (235–236) "sought out the acts of the martyrs from the notaries and deposited them in the church" (*Hic gestas martyrum diligenter a notariis exquisivit et in ecclesia recondite*).[81] The archive is referred to from time to time throughout the text as a corroborative resource, such as the references to the decrees of Celestine I, the letters of Leo I, Gelasius I's 5 books against Nestorius and Eutyches, the decree of Leo II, the donation of King Pippin to Pope Stephen II, or the *Acta* of Nicaea II. All were described as safely in the church archive.[82]

Indeed, the *Liber pontificalis* was not only a pioneering history of the popes from St Peter to Stephen V in the form of serial biography; it also transformed the papal archive into an historical narrative. The text itself became a 'processed archive' and a place of knowledge.[83] Certainly, it is a precis of a vast compendium of information that existed at the times of its composition, even if in many instances this summary narrative of far more substantial sources is all that now survives. The production and reception of the *Liber pontificalis* in their turn suggest, moreover, that the text, both in its particular structure and content, and in the types of information it highlighted, was well-placed

79 See McKitterick, "Roman books and the papal library"; Unger, V., "Der *Liber pontificalis* in Kanzlei und Archiv der Päpste: Zur Abfassung, Verwendung und Aufbewahrung des *Liber pontificalis* im neunten Jahrhundert", in Herbers and Simperl (eds), *Buch der Päpste*, 304–23, and Noble, "Literacy and papal government", in McKitterick (ed.), *The Uses of Literacy in Early Mediaeval Europe* (Cambridge: 1990) 82–108.

80 M. Sot, "Le *Liber pontificalis* est-il le prototype des *gesta Episcoporum*?", in Herbers and Simperl (eds), *Das Buch der Päpste*, 369–80.

81 Life 20, c. 3, LP I, 147; Davis, *Book of Pontiffs*, 8.

82 Life 45 c. 2; Life 47 c. 5; Life 51, c. 4; Life 82, c. 4; Life 94, c. 47; Life 97, c. 88 (*bibliotheca*), LP I, 230, 238, 255, 360, 454, 512.

83 I draw here on M. Friedrich, *Die Geburt des Archivs: Eine Wissensgeschichte* (Munich: 2013); English translation by John Noël Dillon as *The Birth of the Archive: A History of Knowledge* (Ann Arbor: 2018).

to influence two crucial developments: namely, the subsequent presentations of institutional history in narrative form, and an understanding of the principal elements of archival memory that needed to be preserved in order to substantiate and document such an institutional history. In this respect the *Liber pontificalis* is an exemplary text in every sense of the word. Not only does it teach by example as a narrative form, but it also reflects the vital connection that exists between the history of an institution and its archive. The *Liber pontificalis*'s principal achievement was to construct the historical identity of the pope as bishop of Rome and as leader of the universal church. Yet the text also extended the history of Rome in ways which augmented and enriched the identity of the city and people of Rome, not least by forging the papacy's institutional memory and establishing the nascent papal curia and Roman clergy as essential protagonists in that history.[84]

84 Herbers and Simperl (eds), *Das Buch der Päpste*; C. Märtl, "Papstgeschichtsschreibung im Quattrocento: Vom *Liber pontificalis* zu Platinas *Liber de vita Christi ac omnim Pontificum*", in U. Friedrich, L. Grenzina, and F. Rexroth (eds), *Geschichtsentwürfe und Identitätsbildung am Übergang zur Neuzeit*, 2 vols (Berlin: 2016–2018), 2, 242–256; and S. Bauer, *The Invention of Papal History. Onofrio Panvinio between Renaissance and Catholic Reform* (Oxford: 2020).

CHAPTER 2

# Laying Down Papal Law: Archiving Controversy in the Letters of the *Collectio Avellana*

*Bronwen Neil*

The letter exchanges between the bishops of Rome and their Eastern counterparts at the end of the fifth century illustrate a pivotal moment in Rome's institutional history and the important role of the papal archive in documenting and representing the Western side of the conflict we know as the Acacian schism. As result of that schism, named for Acacius, patriarch of Constantinople (471–489), the church of Rome's senior figures found themselves in the throes of separation from the patriarchs and emperors of the Eastern Roman empire. The letters of two bishops of Rome, Gelasius and Hormisdas, make up the bulk of the letters in the last two parts of the *Collectio Avellana* (CA). This collection of 243 letters is named after a copy once held at the Umbrian monastery of Santa Croce di Fonte Avellana in the mid-sixth century.[1] The original was compiled in Rome and consisted of papal and imperial letters, imperial edicts and rescripts, and other documents of significance to the Roman church's history from the fourth to the sixth centuries.

The Avellana collection was compiled over several decades in the middle of the sixth century and probably had more than one collator. I argue that the compiler of the parts dealing with the Acacian Schism (parts four and five) demonstrates an irenic agenda of fostering conciliation between Eastern and Western Christians by including certain letters and excluding others. His task was made much easier by the prolific epistolary output of the last pope of the schism: Hormisdas (514–523). The timing, irenic approach, and contents of the collection allow us to identify the collator with some degree of confidence.

Scholars have had difficulties discerning any logic in the composition of the CA as a whole, or any reason for the disparate sections being put together in a single collection after 553, the date of its latest entry, a letter of Vigilius

1 Now *Vaticanus Latinus* 4916.

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of Rome.[2] Philippe Blaudeau dated the bulk of the collection to ca. 535,[3] putting it significantly closer to the reconciliation between East and West that was achieved in 519. The addition of material on the Three Chapters controversy (CA 82–93) in the mid-sixth century also clearly pertains to the history of schisms between East and West.[4] The resources of the early Roman archive played a critical role in settling this dispute. Hormisdas could look back on the history of the schism documented in letters to the East by his predecessors, Popes Felix III, Gelasius, and Anastasius II, and the replies they received, due to the development of the papal archive (*scrinium*). Unfortunately, papal archives from the fifth and sixth centuries survive only in fragmentary form and have to be pieced together from recipients' copies or from special collections such as the CA.[5] Let us start with a sketch of the earliest known history of the papal archive.

## 1 The Early Roman Episcopal Archive

Keeping order in the papal archives was the duty of the notary and his deputy, the *primicerius* and *secundarius*, respectively.[6] The notaries appeared during the reign of Pope Fabian (236–250), under the charge of seven subdeacons, one for each region of the Roman church. The first notaries were charged with collecting the *Acts of the Martyrs* in their entirety.[7] The *primicerius notariorum* is

2 E. Wirbelauer, *Zwei Päpste in Rom: Der Konflikt zwischen Laurentius und Symmachus (498–514)* (Munich: 1993) 134–138; or "sometime after 553" in the Glossary to J.J. Arnold, M.S. Bjornlie, and K. Sessa (eds.), *A Companion to Ostrogothic Italy,* Brill's Companions to European History (Leiden: 2016), 535. Vigilius's letter to Justinian is dated 14 May 553.

3 P. Blaudeau, "Un point de contact entre collectio Avellana et collectio Thessalonicensis? Autour du cas d'Abundantius de Démétrias", *Millennium* 10/1 (2013), 7.

4 The Three Chapters controversy caused long-standing divisions between Rome and northern Italian churches in the sixth century, as well as between the churches of Rome and Constantinople under Justinian. K. Sessa, "The Roman Church and its Bishops", in Arnold, Bjornlie, and Sessa (eds.), *A Companion to Ostrogothic Italy*, 445–446 discusses its impact on the Roman church.

5 T.F.X. Noble, "Theodoric and the Papacy", in O. Capitani (ed.), *Teodorico il Grande e i Goti d'Italia. Atti del XIII Congresso internazionale di Studi sull'alto Medioevo, Milan, 1990* (Spoleto: 1993), 397.

6 B. Neil and P. Allen, *The Letters of Gelasius I (492–496): Pastor and Micromanager of the Church of Rome*, Adnotationes 1 (Turnhout: 2014), 11–14.

7 L. Duchesne and C. Vogel (eds), *Le liber pontificalis*, vol. 1, 2nd ed. (Paris: 1955) 94: *Hic regiones dividit diaconibus et fecit VII subdiaconos qui VII notariis inminerent, ut gestas martyrum in integro fideliter colligerent.* "He divided the regions by deacons and appointed seven subdeacons who would supervise seven notaries, so that they might collect the deeds of the martyrs faithfully into one (collection)."

first mentioned in the *LP* entry for Pope Julius (337–352) as the official responsible for church documents such as bonds, deed, donations, exchanges, transfers, wills, declarations, and manumissions.[8]

Other early mentions of the papal archives occur in a letter of Innocent I (401–417),[9] and in the *Liber pontificalis* (*LP*) entry for Celestine (422–432).[10] The notaries of the papal archive were among the pope's closest advisors and were often used as envoys, due to the knowledge they had gained in the course of producing papal documents, particularly letters on sensitive subjects. At the end of Gelasius's *Letter* 30, the copyist identifies himself as a secretary (*notarius*) from the archive.[11] There is also an interpolation in *LP* to the effect that Gelasius's five books against Nestorius and Eutyches,[12] and two books against Arius, "are preserved today in the archive of the church library."[13]

The surviving contents of the sixth-century papal *scrinium* are uneven, there being nothing from Popes John I (523–526), Silverius (536), John III (561–574) or Benedict II (575–579), and only one letter each from Felix IV (526–530), Boniface II (530–532), and John II (532–535). The reasons for such losses are unclear, but the turbulence caused by the Ostrogothic settlement of northern Italy probably took its toll on papal record-keeping.

In the time of Hormisdas (514–523), whose collection of papal decretals will be discussed below, it seems likely that the papal archives and the papal

8 *Liber pontificalis* 1, Duchesne and Vogel, 205.

9 Innocent, *ep.* 13 to Rufus, bishop of Thessaloniki, in Migne J.-P. (ed.), *Bibliotheca … omnium … qui ab aevo apostolica ad Innocentii III tempora floruerunt*, Patrologia Latina cursus completus 21 (Paris: 1849) cols 516B–517A: *Omnem sane instructionem chartarum in causa archivorum cum presbytero Senecione, viro admodum maturo, fieri jussimus. Itaque et ex priore nostra epistola, et ex his chartulis bene recensens, quid agere debeas recognosce*. "I have ordered every documentary instruction for the sake of archives to be made with the priest Senecio, a man of sufficient maturity. Therefore, look back carefully at our earlier letter, and at these documents, and work out what you ought to do." 17 June 412.

10 *Liber pontificalis* 1, Duchesne and Vogel, 230: *Hic fecit constitutum de omnem ecclesiam* [*sic*], *maxime et de religione, quae hodie archivo ecclesiae detenentur recondita*. "[Celestine] issued a decree about the whole church and especially (one) about religious life, which are kept safe today in the church archive." R. Davis (trans.), *The Book of Pontiffs* (Liber pontificalis): *The ancient biographies of the first ninety Roman bishops to AD 715*, Translated texts for historians 6, 2nd ed. (Liverpool: 2000) 35, modified.

11 *Ep.* 30.15, in A. Thiel (ed.), *Epistulae Romanorum pontificum genuinae et quae ad eos scriptae sunt a s. Hilaro usque ad Pelagium II*, 2nd ed. (Braunsberg: 1867; reprint Hildesheim: 2004), 447: *Sixtus notarius sanctae Romanae ecclesiae jussu domini mei beatissimi papae Gelasii ex scrinio edidi*. "I Sextus, notary of the holy church of Rome, on the order of my lord the most blessed Pope Gelasius, have made a copy of this from the archives."

12 Supporters of Nestorius in the church of Syria eventually broke away from Rome and Constantinople after the Council of Chalcedon.

13 T. Mommsen (ed.), *Liber pontificalis*, Gestorum Pontificum Romanorum (Berlin: 1898) 117: *qui hodie bibliotheca ecclesiae archivo reconditi tenentur*.

chancery were housed in the monastery of St Anastasius. This is implied in Dionysius Exiguus's preface to Julian, cardinal of the basilica of St Anastasius, where he commends the cardinal for his zealous care of such matters.[14] Under Gregory I (590–604), the library of Pope Agapitus (535–536), was transferred from an unknown location to Gregory I's new abode in the Lateran palace in 590. The transfer is witnessed by an inscription in the new library.[15] It is likely that the library was originally housed in a building still to be seen on the south side of the Clivus Scauri, diagonally opposite the Church of Saints John and Paul and adjacent to Gregory I's home on the same hill.[16] This library may have contained the archives during Agapitus's episcopacy. When Gregory moved to the Lateran Palace, he continued the systematic record keeping that had begun with his predecessor Pelagius I (556–561), who kept copies of 96 letters.

Increased attention to preserving papal letters in the Lateran archive is hinted at in the correspondence of Felix III but emerges clearly only in the letters of Gelasius. The trend increased in the sixth century, when the majority of bishops were elected from aristocratic families who were accustomed to acting as patrons on behalf of their many clients.[17] Such a breadth of activity required careful record-keeping.

The change appears to have fully taken place by the pontificate of Gregory I, 854 of whose letters were preserved. Gregory's *Registrum* reflects a hands-on approach to the managing of disputes, whether doctrine, discipline, or management of property, including the many slaves that formed part of the papal patrimonies. According to Peter Llewellyn, Pope Gregory I extended the collegiate system of Roman administration to two new colleges, one of lay regional notaries and the other of *defensores ecclesiae*, both of which were headed by a *primicerius* and his deputy, the *secundicerius*.[18]

By the early eighth century, the most important officers in the papal retinue (the seven *iudices de clero*) were the chief secretary (*primicerius notariorum*),

14 Migne, Patrologia Latina cursus completus 67, col. 231A–B; Thiel, *Epistulae Romanorum*, 286. See also *ep.* 148 to Hormisdas from Dionysius Exiguus, Thiel, *Epistulae Romanorum*, 986–987, the preface to his translation of the Greek canons into Latin.

15 H.-L. Marrou, "Autour de la bibliothèque du Pape Agapit", *Mélanges d'archéologie et d'histoire de l'École française de Rome* 48 (1931), 167.

16 J. Moorhead, "On Becoming Pope in Late Antiquity", *Journal of Religious History* 30 (2006) 282, n. 20.

17 See G.A. Pentiti and M.C. Spadoni Cerroni (eds.), *Epistolari cristiani* (*seccoli I–V*), repertorio bibliografico, vol. 2, Epistolari latini (Rome: 1990) for the fifth-century papal correspondence, where the bishops of Rome are listed alphabetically.

18 P. Llewellyn, *Rome in the Dark Ages*, 2nd ed. (London: 1993) 114–122.

who supervised the notaries and the papal library and archives,[19] and his deputy (*secundicarius* or *scriniarius*).[20] These offices were modelled on imperial dignitaries. Such institutional changes mirror the increasing importance accorded to papal correspondence in the Middle Ages.[21]

## 2 Shaping History in the *Collectio Avellana*

The CA's remodelling of memories pertaining to the Roman church's earliest history has been the subject of increasing scholarly attention, amounting to what might be called a revival.[22] The collection transmits 243 Latin letters from leaders of the churches of Rome, Constantinople, and those in between who sought to mediate their often fraught relationship, especially the church of Illyricum. The majority of the letters, dating from 367 to 553, were composed in Latin, with a handful translated from Greek and the Greek originals preserved. They were supplemented by records of church councils and their resolutions or canons, as well as imperial and papal rescripts. Most of the CA's letters are not found in other collections, suggesting that it was designed to supplement them "with a coherent editorial policy of organization and comment".[23]

The majority of papal letters in Part Four deal with the repercussions of the Acacian schism. They were selected with a conciliatory approach to the East that is reminiscent of Dionysius Exiguus's collection of papal letters and

19 *Liber Pontificalis* 1, Duchesne and Vogel, 205. On the increasing importance of the notaries from the fifth century see T.F.X. Noble, "Literacy and the Papal Government in Late Antiquity and the Early Middle Ages", in R. McKitterick (ed.), *The Uses of Literacy in Early Medieval Europe* (Cambridge: 1990), 84–85.

20 Gregory 1, *Registrum* 8.16, D. Norberg (ed.), *Sancti Gregorii Magni Registrum Epistularum Libri VIII–XIV*, CL. Corpus Christianorum Series Latina 140A (Turnhout: 1982), 534–535.

21 L. Kéry, *Canonical Collections of the Early Middle Ages (ca. 400–1140): A Bibliographical Guide to the Manuscripts and Literature*, History of medieval canon law (Washington, DC: 1999) gives an overview of the medieval canon law collections containing papal letters.

22 K. Blair-Dixon, "Memory and Authority in Sixth-century Rome: The *Liber Pontificalis* and the *Collectio Avellana*", in K. Cooper and J. Hillner (eds.), *Religion, Dynasty and Patronage in Early Christian Rome, 300–900* (Cambridge: 2007), 59–76 L. Dalmon, "Suivi d'une collection canonique entre antiquité tardive et Haut Moyen Âge: L'Avellana", in S. Gioanni and B. Grévin (eds.), *L'antiquité tardive dans les collections médiévales* (Rome: 2008), 113–139; P. Blaudeau, "Narrating Papal Authority (440–530): The Adaptation of *Liber Pontificalis* to the Apostolic See's Developing Claims", in G.D. Dunn (ed.), *The Bishop of Rome in Late Antiquity* (Farnham-Burlington, VT: 2015), 127–140; R. Lizzi-Testa and G. Marconi (eds.), *The* Collectio Avellana *and Its Revivals* (Newcastle-upon-Tyne: 2020).

23 Blair-Dixon, "Memory", 62, following Günther O., "Avellana Studien", *Sitzungsberichte der Philosophisch-Historischen Klasse: Akademie der Wissenschaften Wien* 134 (1896), 15–134.

canons, made under Pope Hormisdas, the broker of the Acacian schism's resolution.[24] An analysis of all papal letters to the East from 475 to 514 throws into relief those included in medieval canon law collections other than the CA, and suggests a context for the selection process of its anonymous collator. The methodology adopted here reveals that those letters that were not included in CA are as important as those that were included when it came to shaping the anonymous collator's picture of the schism and its handling by the several parties involved. We will see that it is the epistolary format that creates the possibility and expectation of universal agreement.

## 3 Escalating the Acacian Schism by Letter-Writing

The rationale for the selection of the twenty-six documents in Part Four has until now been obscure. Eric Wirbelauer has suggested that its collator must be one of Pope Symmachus's supporters, whose agenda was to defend Symmachus and attack Laurence, as was clearly the case in Part One.[25]

When Acacius died in 489, a new patriarch was appointed to the see of Constantinople at the beginning of the following year. Pope Felix III congratulated Fravitta on his ordination but expressed concern that no mandate had been received from Constantinople about removing the names of Peter Mongus and Acacius from the diptychs.[26] Fravitta had assured both Felix and Peter Mongus that he held communion with them, so his communion can deservedly be described as "confused", as Felix remarks.[27] For this reason, Felix urged caution on the monks of Constantinople, asking them not to communicate with their new bishop until they were ordered to do so by the apostolic see.[28] This sort of interference in an election in the imperial capital was unprecedented.

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24 B. Neil, "The Decretals of Gelasius I: Making Canon Law in Late Antiquity", *Lex et Religio*, Studium ephemerides Augustinianum 135 (Rome: 2013), 657–668; T.R. Sardella,"Dionigi il Picolo e le *Collectiones Dionysianae*: Raccolte e traduzioni", in Lizzi-Testa and Marconi (eds.), *The* Collectio, 463–464.

25 Wirbelauer, *Zwei Paptse*, 134–138, relates the inclusion of the Eulalius–Boniface schism of 418 to 419 to the sixth-century Laurentian schism, which he believes was contemporaneous with the composition of CA; cf. Blair-Dixon, "Memory", 63–64.

26 Felix III, *ep.* 14, Thiel, *Epistolae Romanae*, 279. See also Felix III, *ep.* 15 to Zeno, Thiel, *Epistolae Romanae*, 270–273.

27 Felix III, *ep.* 17, Thiel, *Epistolae Romanae*, 275: *Communione confusa.*

28 Felix III, *ep.* 16 to Thalassius, archimandrite of Constantinople, 1 May 490.

By May 490, the acrimony had reached its peak, with Rome and Constantinople refusing to be in communion with each other. Putting a fellow bishop out of communion was a serious step, as it implied that he would be excluded from salvation if he died in this state. For bishops of Rome and Constantinople to take this action against each other was another unprecedented catastrophe in the history of the Christian church to this point. Pope Felix petitioned Bishop Vetranio, whose see is unknown, to persuade the emperor to return to communion with Rome.[29] At the time of Felix's death in 492, the situation was far from resolved. Shortly before his death, Felix wrote to Andreas, bishop of Thessalonica – a bishop of whose treachery Gelasius was later to complain[30] – who did not want to decline communion with Rome, but also did not want to omit from the diptychs the names of Acacius and those who communicated with him.

Only three of Gelasius's twenty-six letters on the schism are included in CA. All three concern the bishops of Dardania, a province in the civil diocese of Dacia, in the prefecture of Illyricum Orientale, and their response to the Roman condemnation of Acacius. The last inclusion from Gelasius's pontificate (CA 103) was the *Acts* of another Roman synod. I present these documents in chronological order, not in the order in which they appear in CA. From the first year of his pontificate or even before, while he was a deacon under Felix III, comes the tract "The action taken about the name of Acacius" (*Gesta de nomine Acacii*), which explains the reasons for the Roman excommunication of both Acacius and Peter of Alexandria and the omission of their names from the liturgical diptychs.[31] The final chapter of the original tract was Felix III's brief letter to the bishops in Egypt, Libya, the Thebaid, and Pentapolis, urging them to uphold his anathema on Peter of Alexandria,[32] evidence that Gelasius was closely involved in the production of his predecessor's letters in the papal *scrinium*.

CA 80 indicates that the pope's threats of excommunication were successful: the humble bishops of Dardania replied that they gladly accepted his

29 Felix III, *ep.* 17 to Vetranio.

30 Gelasius, *ep.* 18, Thiel, *Epistolae Romanae*, 384 and n. 5.

31 CA 99; Tract 1 in Thiel, *Epistolae Romanae*, 510–519. Two shorter versions from other manuscripts are included in Thiel, *Epistolae Romanae*, 520–522, a summary of the contents of the whole; and Thiel, *Epistolae Romanae*, 522–524, a slightly reworked version of chapters 4 to 13 of the original work of fifteen chapters.

32 Felix III, *ep.* 9, Thiel, *Epistolae Romanae*, 250 (see above). The date of this fragment (beginning of August 484) gives a *terminus post quem* for *Gesta de nomine Acacii.*

condemnation of Eutyches, Peter, Acacius, and their followers.[33] In CA 101, Gelasius admonished the Dardanian (or possibly Dacian)[34] bishops to beware the tricks of the bishop of Thessalonica, Andreas, who did not deserve communion with the Holy See while he refused to omit the name of Acacius from the diptychs.[35] On 1 February 495, Gelasius sent the bishops of Dardania a dogmatic statement rendering a full account of why Acacius was properly condemned by the apostolic see.[36] This is the only entry in CA that also appears in an epitomised form in seven other collections of papal letters: the *Quesnelliana, Frisingensis, Diessensis, Pseudo-Isidoriana, Hadriana aucta*, the *Colbertinus* codex, and the *Veronensis*.[37]

On 13 May 495, Gelasius gathered a Roman synod in the Basilica of St Peter to offer absolution to Misenus, who as a papal emissary to Constantinople had, under duress, supported the cause of Acacius.[38] Misenus, who by then was an elderly man, suffering continual illness and consumed by a wasting disease, had pleaded for the *viaticum*.[39] Gelasius reported triumphantly that the former papal legate had renounced all heresies, and was therefore restored to communion and his episcopal office.

Only one letter of Symmachus pertains to the Acacian schism, and even it may have been authored by Symmachus' loyal supporter, Ennodius of Pavia.[40] This is a letter of 8 October 512 or 5 March 513 addressed to the eastern bishops, priests, deacons, and archimandrites in Illyricum, Dardania, and the two Dacias.[41] In answer to a plea from the same bishops, penned by Dorotheus

33 *Ep. ad Gelasium papam* 11, Thiel, *Epistolae Romanae*, 348–349, incipit *Saluberrima apostolatus*.

34 Both readings have textual support.

35 Gelasius, *ep.* 18, Thiel, *Epistolae Romanae*, 382–385, 2 August 494.

36 CA 95 (full version), and its epitome in Appendix 1, O. Günther (ed.), *Epistulae imperatorum pontificum aliorum inde ab a. CCCLXVII usque ad a. DLIII datae Avellana quae dicitur Collectio. Pars II, Corpus scriptorum ecclesiasticorum latinorum* 35 (Prague-Vienna-Leipzig: 1898), 774–790 (see 774, n. 1); Thiel, *Epistolae Romanae*, 414–422 also gives the epitome and the full version, *ep.* 26, Thiel, *Epistolae Romanae*, 392–413.

37 This text is the only one that *Veronensis* and CA have in common: E. Schwartz, *Publizistische Sammlung zum Acacianischen Schisma*, Abhandlungen der Bayerischen Akademie der Wissenschaften / Philosophisch-Historische Abteilung, Neue Folge 10 (Munich: 1934), 269–270.

38 CA 103; Gelasius, *ep.* 30, Thiel, *Epistolae Romanae*, 437–447.

39 Gelasius, *ep.* 30.2, Thiel, *Epistolae Romanae*, 438–439. Gelasius and forty-five other bishops signed the acts of the Roman council absolving him.

40 Symmachus, *ep.* 13 *ad orientales*, Thiel, *Epistolae Romanae*, 717–722 (8 October 512).

41 CA 104; Thiel, *Epistolae Romanae*, 717, goes for the 512 date; Günther suggests 5 March 513 with a question mark: Günther, *Epistulae, Pars 1, Corpus scriptorum ecclesiasticorum*

of Thessalonica but not preserved in CA,[42] Symmachus refused ever to admit to his communion those who would not divorce themselves from association with the condemned: the archimandrite Eutyches, and bishops Dioscorus, Timothy Aelurus, Peter Mongus, and Acacius.[43] The pope's interest in this letter is confined to the involvement of the Greek bishops of Illyricum, the prefecture over which both Rome and Constantinople claimed jurisdiction. In this respect, it matches the Gelasian letters included in CA.

## 4 The Acacian Schism in Other Letter Collections

An analysis of contemporaneous papal letters that were not included in CA gives us some idea of what may have been left out, subject to the compiler's access. This will give a clear picture of the destructive patterns of communication with the East that the collator of Part Four was determined to eclipse. The extant letters are presented in chronological order, together with the collections in which they are preserved.

### *Letters of Felix III (483–492)*

Nine known letters of Felix are not included in CA. *Letters* 1–4 are preserved in various collections including *Hadriana aucta* and the *pseudo-Isidoriana*.[44]

*Ep.* 1 to Zeno: F. asks the emperor to restore the Chalcedonian John Talaia to the see of Alexandria, and to expel the heretic Peter Mongus.

*Ep.* 2 to Acacius: F. accuses the recipient of obstinate silence on the disputed election of Peter Mongus to the see of Alexandria and encourages him to spur the emperor to restore John Talaia and reject the heretic bishop Peter Mongus (March 483).

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*latinorum* 35 (Prague-Vienna – Leipzig: 1898,) 487. The text is translated by B. Neil and P. Allen, *Conflict and Negotiation in the Early Church: Letters from Late Antiquity, Translated from the Greek, Latin and Syriac* (Washington, DC: 2020), 54–59.

42 *Ecclesia orientalis ad Symmachus* (a. 512) = Symmachus, *ep.* 12, Thiel, *Epistolae Romanae*, 709–717.

43 Symmachus, *ep.* 13.6, Thiel, *Epistolae Romanae*, 722.

44 *Vat. Lat.* 1344. Felix III, *epp*. 1–4 in Thiel, *Epistolae Romanae*, 222–241. Thiel's 1867 edition of letters from Popes Hilary to Hormisdas supplements Coustant's edition of the papal letters up to Innocent I: P. Coustant, *Epistolæ Romanorum pontificum et quæ ad eos scriptæ sunt a S. Clemente I usque ad Innocentium III* (Paris, L.D. Delatour: 1721).

*Ep.* 3 to Acacius: in the same month, F. calls his "dearest brother" to appear at a Roman synod to respond to the claims of John Talaia, who had come to Rome to make his appeal after being deposed.[45]

*Ep.* 4 to Zeno, a *libellus*: F. repeats his request for Acacius to be punished "by decree of a Roman council".[46] T*he Roman synod of 483 allegedly demanded the removal of the phrase that Peter the Fuller, anti-Chalcedonian bishop of Antioch, had added to the Thrice-Holy or Trisagion Hymn c. 470 CE. To the acclamation "Holy God, Holy Mighty, Holy Immortal … have mercy on us", Peter added the specification qui crucifixus es pro nobis, thus making it sound like the Trinity had been crucified, and by implication, incarnated in Jesus Christ.*[47]

*Ep.* 6 to Acacius: Four months later, F. enumerates Acacius's many sins and deposed him with a pronouncement of excommunication, in the most copied letter of all.[48] This letter survives in the Freising codex, *Quesnelliana*, pseudo-Isidore collection, Colbertinus codex, Diessen codex, *Hadriana aucta*, and *Veronensis*.[49]

*Ep.* 7: The *anathema* is extended to any bishop, cleric, monk, or layperson who communicated with Acacius henceforth. Acacius is deposed from the college of bishops and the communion of the faithful.[50]

*Ep.* 8 to Zeno: F. reiterates the *anathemata* on Acacius and Peter Mongus, warning the emperor to allow the catholic church to exercise its own laws and freedom.[51]

*Ep*. 9 to bishops throughout Egypt, Thebes, Libya, and Pentapolis: F. announces the *anathema* on Peter Mongus, also in 484. F. accuses "the parricide" Peter of involvement with Timothy Aelurus's persecution of the orthodox, which culminated in the murder of Alexandria's Chalcedonian bishop, Proterius, in 457. F. extends the *anathema* to anyone who receives Peter, thus targeting bishops who might harbor the fugitive.

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45 Thiel, *Epistolae Romanae*, 239–240.

46 Thiel, *Epistolae Romanae*, 240–241. Simplicius' pontificate ended on 10 March and Felix's election began on 13 March, according to the *Liber Pontificalis*. For a discussion of the transition, see Davis, *The Book of Pontiffs*, 42–43.

47 Peter the Fuller probably intended his *Trisagion* formula to apply to Christ, not the Trinity: R. Kosiński, "Peter the Fuller, Patriarch of Antioch", *Byzantinoslavica* 68/1–2 (2010), 69–72. *The author of the letters cannot be identified with any certainty because Peter the Fuller held the patriarchate three times in* 470–471, 475–476, and 485–488 CE, a period *spanning the pontificates of both Simplicius and Felix III*.

48 Thiel, *Epistolae Romanae*, 243, on 28 July 483.

49 This letter had the same distribution as *ep.* 20 of Simplicius and *ep.* 26 of Gelasius with one crucial difference: *ep.* 26 also appeared in CA in a longer form.

50 Acacius countered by removing Felix III's name from the diptychs, a form of liturgical censure.

51 Thiel, *Epistolae Romanae*, 250 (1 August 484).

*Ep.* 11 to the Clergy and People of Constantinople: The clergy and people of Constantinople were urged to avoid communion with their patriarch Acacius, and to uphold the positions of clergy whom Acacius had deposed.[52]

### *Letters of Gelasius (492–496)*

Six letters of Gelasius pertaining to the schism are not found in CA. Three of these relate to Dardania, a diocese in Illyricum, which covered the central Balkans and sat between the Roman and Eastern churches and whose jurisdiction was contested from the time of Innocent I.[53] Other letters with a strong Dardanian focus survive elsewhere, notably two fragments of a statement of two-nature Christology addressed to Ursicinus, a Dardanian bishop mentioned in another letter of Gelasius.[54] These fragments are preserved in the *Codex encyclius*.[55] Another six Gelasian letters relevant to the schism but not found in CA are:

*Ep.* 1 to the bishops of Dardania: G. seeks the support of the Dardanian bishops against Constantinople. G. probably composed this while still a deacon under Felix, in 488 or 489. It is found in the *Veronensis* and *Hadriana aucta*.[56]

*Ep.* 3 to Euphemius: G. addresses Euphemius's pleas on behalf of the late Acacius,[57] using metaphors of health for orthodoxy and sickness for heresy, described as poisonous (*noxia*), to explain why the church needs to be both doctor and medicine (*medicus*, *medicina*).[58] *Ep.* 3 is found in the Freising codex, Diessen codex, *Codex Encyclius*, and the *Veronensis* collection.

*Ep.* 8 to Abbot Natalis: In the same year, G. congratulates Natalis on his efforts to defend the faith of the apostolic see in Dardania (or Dacia)[59] against

52 Thiel, *Epistolae Romanae*, 252 (beginning of August 484).

53 On the contested jurisdiction in the papacy of Boniface I (418–422), see G.D. Dunn, "Church and State in the Dispute over the Vicariate of Thessaloniki during the Pontificate of Boniface I", *Journal of Early Christian History* 10/1 (2020) 37–60.

54 Gelasius, *ep.* 7, Thiel, *Epistolae Romanae*, 335: *His igitur incitati, per fratrem et coepiscopum nostrum Ursicinum praesentia dirigere scripta curavimus* [...].

55 Maassen F., *Geschichte der Quellen und der Literatur des canonischen Rechts im Abendlande, bis zum Ausgange des Mittelalters*, 2 vols (Leuschner & Lubensky, Graz: 1870), 285, no. 286 (2).

56 Thiel, *Epistolae Romanae*, 287–311. Maassen, *Geschichte*, 374, no. 450.

57 Thiel, *Epistolae Romanae*, 312–321.

58 Acts of the Roman synod (485 CE), *ep.* 11.3.

59 The manuscripts contain both readings. In Gelasius's time, Dacia was a small province boarding Dardania to the east. Justinian later combined both in the ecclesiastical diocese called Dacia.

"what the enemy [sc. the Devil] has sown in the churches of the East",[60] and asks him to preach the contents of his letter to the pontiffs (*pontifices*) of his region and in neighboring provinces. This is from the *Veronensis* collection.[61]

*Ep.* 12 to Emperor Anastasius I (494, JK 632). G. introduces the famous "two powers" theory, of church and king, while begging Emperor Anastasius (491–518) not to let the church be torn apart by the Acacian dispute.[62] Transmitted in the *Quesnelliana* and later in the Pseudo-Isidorian decretals.[63]

*Ep.* 27 to the Eastern Bishops: an account of the controversy sent in 495, and preserved in the Freising codex, Diessen codex, *Quesnelliana*, and the *Veronensis*.[64]

*Ep.* 43 to the Bishops of Syria, preserved in Greek and Latin. G. asks them to keep faith with the Roman church. In 495 or 496 G. had received an episcopal legation from Syria, concerned about the state of the Eastern Church.

### *Letters of Anastasius II (496–498)*

Pope Anastasius II devoted three or four of his six surviving letters to the cause of peace with Constantinople. Several letters missing from CA are preserved in the *Dionysiana* and their spin-offs, such as the *Dionysiana aucta*.[65] The *Libellus* or "little book of instructions" which the Alexandrian legate gave to legates sent by Rome to Constantinople, stating the orthodoxy of the Alexandrian and Roman churches (*ep.* 5), is only found in CA.[66] According to its *coda*, this work was translated from Greek by Dionysius Exiguus. *Ep*. 4, the synodical letter to Laurence of Lychnidos (New Epirus), is attributed to Gelasius in CA 81, on the

60 Gelasius, *ep.* 8.2, Thiel, *Epistolae Romanae*, 338: *Nihil significamus ommisum, quod aut correctione rerum, quas in ecclesias Orientis seminavit inimicus, patrum regulis congruentem possit adhibere medicinam.*

61 Gelasius, *ep.* 8.3, Thiel, *Epistolae Romanae*, 339.

62 Gelasius, *ep.* 12.2.

63 On the inclusion in Pseudo-Isidore, see H. Fuhrmann and D. Jasper, *Papal Letters in the Early Middle Ages*: History of Medieval Canon Law 2 (Washington, DC: 2001), 135–195, esp. 167.

64 Thiel, *Epistolae Romanae*, 422–435; trans. Neil and Allen, *The Letters of Gelasius*, 115–126.

65 On the complicated relationships between the three collections in the original *Dionysiana* collections, and their spin-offs, see A. Firey, "The Collectio Dionysiana" [Carolingian Canon Law project], online at http://ccl.rch.uky.edu/dionysiana-article, 2008-07-28, accessed 23.05.22.

66 CA 102: *Libellus* of the Alexandrian church sent by Anastasius II to Constantinople, *ep.* 5, Thiel, *Epistolae Romanae*, 628. Date: 497 = Maassen, *Geschichte*, 3740375, no. 452.

basis of two manuscripts.[67] Blaudeau argues convincingly that it should be attributed to Anastasius II.[68] The author rejoices to hear that the church of Thessalonica had followed Gelasius's command in anathematising Acacius. He then recounts the synod's statement of faith, which includes a condemnation of Acacius and repeats the anathema issued by his predecessors.[69] This letter was also preserved in the *Codex encyclius*.

In *Ep.* 1 to Emperor Anastasius, omitted from the CA, Pope Anastasius II tries to persuade the emperor to remove the name of Acacius from the diptychs.[70] This famous letter is preserved only in the *Dionysiana*, an early sixth-century collection of eastern and western canons made by Dionysius Exiguus, and the *Hispana*, the earliest Spanish collection.

We may wonder why the CA's collator omits these sixteen papal letters that pertained directly to its subject, the Acacian schism? His inclusions have the effect of playing down papal antagonism towards the patriarch of Constantinople, which continued after the death of Acacius in 489. The omission, if deliberate, suggests that the compiler had an agenda of fostering the recent reconciliation achieved between East and West under Hormisdas in 519 and documented in CA's fifth and final part.

## 5 Archiving the Schism under Pope Hormsidas

The long rule of Anastasius I ended in July 518, paving the way for a new era of peace. The reconciliation of 519 was widely seen as the victory of Pope Hormisdas, although the impetus for a resolution seems to have come from the emperor himself. More than 100 letters of Hormisdas were included in Part Five, along with letters penned to him by a variety of bishops, Constantinopolitan aristocracy, the emperors Anastasius I and Justin I, and the future emperor Justinian. Through these letters, Pope Hormisdas became known as the

67 Gunther, *Epistolae, Pars 1*, 225–229; cf. Anastasius II, *ep.* 4, Thiel, *Epistolae Romanae*, 627–628.

68 P. Blaudeau, *Le siège de Rome et l'Orient (448–536): Étude géo-ecclésiologique*, Collection de l'école française de Rome 460 (Rome: 2013), 274, note 168.

69 Anastasius II, *ep.* 3 (dated to 497), Thiel, *Epistolae Romanae*, 624–627. In two manuscripts, this letter is attributed to Gelasius (Thiel, *Epistolae Romanae*, 624, note 1, cf. Gelasius, *ep.* 2, Thiel, *Epistolae Romanae*, 311).

70 Anastasius II, *ep.* 1, Thiel, *Epistolae Romanae*, 634–637, Maassen, *Geschichte*, 285, nr 286. Cf. "Anastasius I", in *Liber Pontificalis* 1, Duchesne and Vogel, 258.

champion who resolved the schism, at least in the West.[71] The letters of the more obscure, anti-Eastern Roman bishops who preceded Hormisdas – Simplicius, Felix III, Gelasius, Anastasius II, and Symmachus – are the focus here.[72] An analysis of their letters in the CA throws up other papal letters on the Acacian schism that were not included, thus giving a context for the collator's selection. The inclusions and omissions can inform a reconstruction of the conciliatory rationale of the collator of these twenty-six letters. Overall, this part of the collection points to a common episcopal use for letter-treatises at the end of the fifth century: the suppression of debate on doctrinal questions.

The fourth part of the collection complemented the contents of the earlier *Collectio Thessalonicensis*, which was intended to reinforce the bishop of Rome's claim to jurisdiction over the contested territories of Dardania and Illyricum.[73] One would not surmise this from the scrutiny of Hormisdas's letters alone, of which only twelve are addressed to individual Illyrian churches and one is addressed to the eastern bishops collectively (CA 129).[74] Even in 521, the ripples were still settling, as we see in CA 236, Hormisdas's letter to Justin I in which he gave a lengthy response to the emperor's questions about Peter the Fuller's addition to the *Trisagion Hymn*.[75] This letter was also included in the seventh-century *Hispana* collection from Italy, which supplied it to the *Dionysio-Hadriana* (774 CE) and the ninth-century pseudo-Isidore collection.[76] It was unusual for an item included in CA to have been widely distributed elsewhere. Hormisdas emerges as the hero of CA's account of the schism's resolution in a way that is completely obscured in other collections.

The significance of this relatively obscure collection lies in its impact on the larger question of how we read and use papal letter collections from the sixth to ninth centuries. Part Four shows how the rationale of the individual compiler could radically shape the impression of how events unfolded, and

71 Out of the 142 letters in CA that are authored by Hormisdas and including the 28 addressed to him the Acacian letters constitute almost two-thirds of his epistolary output (Günther, *Epistulae, Pars 1–2*, 495–801). An additional eleven letters are edited by Thiel, *Epistolae Romanae, epp.* 9, 24–26, 88, 125, 142, 143, and 148–150. Twelve are translated by Neil and Allen, *Conflict*, 59–89, including the two *Libelli*, or instructions to legates.

72 These comprise the twenty-six letters identified as Part Four by Günther, *Epistulae, Pars 1*, iii.

73 *Collectio Thessalonicensis*, C. Silva-Tarouca (ed.), *Epistolae Romanorum pontificium ad vicarios per Illyricum aliosque episcopos. Collectio Thessalonicensis*, Texta et documenta series theologica 23 (Rome: 1937).

74 The individual Illyrian bishops included those of Nicopolis (CA 122, 123, 124), Old Epirus (CA 120), and Thessalonica (CA 133 and 209).

75 See n. 30 above.

76 Simplicius, *ep.* 137, Thiel, *Epistolae Romanae*, 959–965. See Günther, *Epistulae, Pars 2*, 716 and note.

by selective inclusions, he could shift blame onto various parties or apportion it more equally between them. We have seen that the compiler of this fourth part wanted to take the story of the schism way back to its origins, by including all fourteen letters of Simplicius in the CA concerning the lead-up to the split between Rome and Constantinople over various eastern episcopal elections. The sources spanning the years from Simplicius's death in 483 to 514 are few. Only two letters of Felix III (one spurious and one the pronouncement of a synod over which he presided in 485) were preserved there. Both related to controversial ex-communications: those of papal legates Misenus and Vitalis, Patriarch Acacius of Constantinople, and Peter the Fuller, the anti-Chalcedonian patriarch of Antioch.

The correspondence of Gelasius with the East is no better represented, with the inclusion of only four of more than twenty letters pertaining to the schism, plus one out of four tracts on the subject, alongside letters dealing with Pelagianism, the celebration of the *Lupercalia*, and other issues bearing upon the bishop of Rome's authority within Rome and externally. Gelasius's epistolary interventions in the Acacian crisis were not limited to bishops and abbots. In his dealings with the pro-Acacians, we find him making personal admonitions to influential parties such as Emperor Anastasius and the aristocrat John, whom he warned not to mix with those of a Eutychian profession and communion,[77] as well as to Syrian bishops, abbots, and monks of East and West to spread the word.[78] However, the collator of this part of CA limits his focus to the bishops of Dardania, with little overlap (only the longer version of CA 95) with those letters that had already appeared in the *Veronensis*.

The lack of overlap between CA and the *Veronensis* does not prove that collator of Part Four was trying to supplement the Verona collection. Part Four also preserves valuable epistolary sources (CA 82–93) on the next major controversy to consume the eastern and western churches from the mid- to late sixth century, namely the Three Chapters dispute. As I noted above, CA includes a letter to Laurence of Lychnidos, attributed to Pope Anastasius II in some manuscripts and to Gelasius in others, while another three letters from Anastasius II to the East on the schism do not appear here. Pope Symmachus only wrote one letter on the Acacian schism, to the bishops of Illyricum, and that is conserved in CA 104.

77 Gelasius, *ep.* 12 to Anastasius; *fragment* 1 to John.

78 Gelasius, *ep.* 7 to the bishops of Dardania; *ep.* 9 to Abbot Natalis; *ep.* 10 to Succonius in Constantinople; *ep.* 18 to the bishops of Dardania and Illyricum; *ep.* 43 to the Syrian bishops.

## 6 The Identity of the Redactor

Having demonstrated that the collator of Parts Four and Five had an irenic agenda, we come to the question of attribution. I suggest that the bilingual Scythian monk Dionysius Exiguus for the collation of letters up to 521 CE.[79] Dionysius (ca. 470–544 CE) came to Rome from the East after the death of Gelasius in 496. Working at the request of Stephen of Salona and his brother Laurence (who may be the recipient of CA 81, mentioned above)[80] and then in the service of Pope Hormisdas in Rome, Dionysius had an irenic agenda: to provide the Greeks and Romans with sufficient of each other's canonical material to allow for a resolution of the Acacian schism.[81] He translated the Greek canons into Latin, along with the canons of the councils of Serdica (modern Sofia) and Carthage in a recension known as *Liber canonum Dionysiana*. In support of this attribution, Blaudeau has already suggested Dionysius's hand in the collation of Part Four, suppressing the letters of the controversial Anastasius II.[82]

With the evidence presented above, we can take Blaudeau's suggestion further to include the letters of Hormisdas. Dionysius was active well after the death of that pope in 523, and certainly had access to papal archives while in Rome, as his other works attest. His conciliatory agenda matches the selection principles of Parts Four and Five. The supporting evidence for Dionysius is much stronger evidence than the arguments for Cassiodorus, who served the Ostrogothic king Theodoric and also worked towards harmony in Italy's relations with the eastern church, which had been disrupted again by the Three Chapters controversy and the Fifth Ecumenical Council of 553.[83] Cassiodorus,

79 Excluding the Three Chapters letters, CA 82–93, which were written during the pontificates of Agapitus, John II and Vigilius, between 535 and 553 CE, the year of the Fifth Ecumenical Council in Constantinople, at which Vigilius, under house arrest in the same city, was pressured to agree with Justinian's position. The final two letters are Vigilius to Justinian (CA 92) and Vigilius to the Constantinopolitan patriarch Menas (CA 93). This group of later letters was added to CA before the end of the sixth century.

80 *Prefatio ad Canones Dionysii*, Migne, Patrologia Latina cursus completus 67, cols. 139–142. Laurence of the Laurentian Schism, the archdeacon who contested with Symmachus the papal election of 498, has also been suggested: Firey, "The *Collectio Dionysiana*"; Neil, "The Decretals", 658, n. 4.

81 H. Wurm, *Studien und Texte zur Dekretalensammlung des Dionysius Exiguus*, Kanonistische Studien und Texte 16 (Bonn: 1939; reprint Amsterdam: 1964) 20, 92.

82 Blaudeau, *Le siège*, 43–44.

83 R. Lizzi-Testa, "Introduction", in Lizzi-Testa and Marconi, *The* Collectio, xxvii–xxix, comments on the need for access to the papal archives to complete the compilation of the five parts of *CA*.

praetorian prefect of Italy in 533 and charged with writing an edict to regulate episcopal elections in Italy, is more likely to have been responsible for bringing the five parts together, as Lizzi-Testa suggests.[84] The fact that so many of the absent letters on the Acacian schism appear in the *Dionysiana* of the same period only serves to demonstrate that Part Four of CA was a carefully curated collection.

Part Four of the CA was more than simply a record of a past schism: it was also a roadmap for understanding the unfolding controversy over the Three Chapters, which consumed the bishops of Northern Italy, Rome, and the eastern churches. The CA is a good illustration of a much broader Christian desire to document and enforce orthodoxy, even if that need could sometimes be subordinated to the need for conciliation. The letters that were included in Part Four have this in common with those that were excluded: they share an epistolary format that creates the possibility and expectation of universal agreement. Without the vehicle of the letter, the efforts of Roman bishops to interfere in other ecclesiastical jurisdictions would have been effectively limited, but without the papal archive, no agreement of parties spread across the empire could have been reached.

## 7 Conclusion

This brief study of twenty-six papal letters, or, more precisely, letter-treatises, has also highlighted the complexity of relationships between the six major medieval canon law collections: CA was the first, and there were derivatives, very few of which have yet merited critical editions. Without more information about the common source of *Berolinensis* and CA, it is difficult to do more than simply raise the possibility that an agenda of reconciliation is at work in the selection of material in CA that pertains to the Acacian schism and the letters of Hormisdas. The controversy had been literally archived or put into storage.

What makes CA unique among collections of papal letters is its inclusion of much Eastern material not found elsewhere: from letters by emperors and other members of the imperial family to petitions from bishops of Syria, legates of Alexandria, and archimandrites of Constantinople. The inclusion of these documents in Latin translations or sometimes even in their original Greek versions results in a more even-handed, balanced account of the schism

84 Lizzi-Testa, "Introduction", xv–xvii, includes the interpolation of CA 82–93, discussed above.

than was available from other western letter collections. At the same time, one must admit that the forged letter attributed to Felix III (CA 71), along with the possibly spurious acts of a Roman synod allegedly convened in 485 (CA 70), bolstered the Roman position against Constantinople. The selected letters do show that there was intransigence on both sides, as well as a will to accommodate the other's point of view in the cases of Pope Hormisdas and Emperor Justin. The most inflammatory papal letters to the East – Felix III's *ep.* 8 to Zeno, Gelasius' *ep.* 12 to Anastasius, and Anastasius II's *ep.* 1 to the same emperor – were simply not included.

CHAPTER 3

# The Bishop of Rome and His Entourage: the Origins of the Papal Curia

*Rita Lizzi Testa*

## 1 Preface

The Apostolic Constitution *Praedicate evangelium*, which Pope Francis promulgated on 19 March 2022 to come into force on 5 June, lists the organs of today's Roman Curia. The Secretariat of State, 16 Dicasteries (formerly Congregations and Pontifical Council), Judicial Bodies, Economic Bodies and Offices, in the new constitution are properly "Curial Units" (III, art. 12 §2). The Vatican Apostolic Archive, the Apostolic Library, the Fabric of St. Peter's, the Pontifical Commission for Sacred Archaeology, on the other hand, are not properly part of the Holy See but are institutions connected to it (X). Within this complex structure, the collocation of the Archive and Library appears relevant to those who deal with the ancient episcopal Curia of Rome, since the one and probably also the other were its original nucleus. This is the hypothesis I will try to prove.

## 2 Ancient Testimonies and Modern Controversies

Sources are few for the earliest period. Of the total amount of two thousand documents relating to the bishops of Rome from the middle of the fourth century until the eighth century, we only possess the original fragment of a letter of Hadrian I (772–795) and a privilege granted to the church of Paschal I in Ravenna (817–824).[1] It would be paradoxical to believe, however, that no text was previously produced by the Christian community in the Urbs. One of

1 Ph. Jaffé (ed.), *Regesta Pontificum Romanorum ab condita Ecclesia ad annum post Christum natum* MCXCVIII (Leipzig: 1885) (henceforth JK) I 302 n. 2462; *Monumenta Germaniae Historiae* (henceforth MGH), *Epist.* 3. 654; *Papiri Ravennates* 819, in G. Battelli. (ed.), *Exempla scripturarum. Fasc. III.* (Vatican City: 1933) *Acta Pontificum* 5 and Table 1. Timothy, *notarius and scriniarius* of the Apostolic See, wrote Paschal's Privilege. The Pope signed in uncial script. Sergius *Bibliothecarius* was entrusted with dating the document: H. Omont, "Bulles pontificales sur papyrus (IX–XI siècle)", *Bibliothèque de l'école des chartes* 65 (1904), 577.

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the reasons why so few originals have survived is that the writing medium on which valuable documents were drafted, according to the practice of imperial chancery, was initially papyrus, a highly perishable material. And even when it was replaced by the more durable parchment, it was never entirely so until the ninth century, still being used sporadically until the eleventh century.[2] For the earliest phase, indirect evidence is also sporadic, which has sometimes been explained by invoking the sack of Alaric, or the Vandal occupation a century later.[3]

In such a documentary context, scholars made a variety of proposals, with often opposing solutions, both as to where these structures were located and when they began to develop. It is also assumed that, before Damasus, there was no papal archive. With a balanced approach to the question, we believe that church history and civil history cannot be read as separate events, and that any account of the unrestrainable expansion in the Mediterranean area of early Christianity would be incomprehensible if one did not read it as an expression of the urban civilization that was peculiar to the Roman imperial reality. Precisely because they participated in a typically 'declamatory' culture and were able to utilize all its rhetorical devices – including giving prominence to the notion of their own diversity and separation – Christians made Christianity the prevailing discourse in three centuries. They were able to bring different content to a much wider audience than usual and used forms and representations, which perfectly met the tastes of urban populations, as a path to a higher truth. Humble figures, often forgotten by history, cooperated in the realization of this process. Tiro, a freedman and scribe, invented *notae* on the Greek model to transcribe Cicero's speeches in real time. From the first century onwards, the *exceptores*, also called *scribae* or *notarii*, spread and perfected the use of tachigraphy for the written recording of spoken orations, letters, or anything else that was dictated to them. The *notae* were then transferred into an alphabetical script and the text, supervised by the author, was ready to be preserved.[4]

In addition to the rhetoric, in the sense of means and forms of expression with persuasive force, that was used to forge orations and thus also bishop's sermons, the habit of collecting 'papers and documents', creating archives, was the other central feature of the cultural and political life of the empire,

2 R. Ronzani, "Notes on the Diplomatic Aspects in the Documentation of the *Scrinium Romanae Ecclesiae*", in R. Lizzi Testa and G. Marconi (eds.), *The* Collectio Avellana *and its Revivals* (Newcastle upon Tyne: 2019), 263–264.

3 C. Silva-Tarouca (ed.), *Epistularum Romanorum Pontificum ad vicarios per Illyricum aliosque episcopos Collectio Thessalonicensis ad fidem codicis Vat. Lat. 5751* (Rome: 1937), XIII.

4 H.C. Teitler, Notarii *and* exceptores: *An Inquiry into Role and Significance of Shorthand Writers in the Imperial and Ecclesiastical Bureaucracy of the Roman Empire, from the Early Principate to c. 450 AD* (Amsterdam: 1985), 1–15.

as it had already been of Greek urban civilization.[5] The archival practice was shared by Christians almost certainly between the end of the second century and the beginning of the third century, when they began to conceive of themselves as a structured system of congregations led by bishops, who were primarily concerned with maintaining relations with other communities. What was dictated in the private room of a presule, pronounced in church, heard in the harangues of the accusation and the defense in a court, or in speeches given at official meetings (or synods) where collective decisions were made, could be 'captured' by the *exceptores* and preserved. Sections of the *Acta martyrum*, minutes of hearings, letters of communion, lists of clergy and bishops who succeeded one another in a seat, lists of widows or virgins, synod records produced an enormous amount of material that was recorded and preserved.[6] Most of the oldest evidence comes mainly from the eastern part of the Empire, particularly from the seats of Alexandria and Antioch, while the small number of preserved papal documents have a mostly non-Roman origin.[7]

## 3 Archive, Library, and Chancery: One Place, Several Functions

Since what existed in Rome in the early centuries can be deduced only from later sources, the presence and presumed place of a Roman bishop's archive, as well as its nature has provoked long debates among scholars. The question was raised as to whether a true archive existed or only a private collection, whether copies of documents were gathered in the form of registers or polyptychs.[8] Studying the letters of the popes, which have come down through

5 See a good definition of archive: "[an] archive is a deliberate collection of papers in antiquity by a single person, family, community, or around an office" by K. Vandorpe, "Archives and Dossiers", in R.S. Bagnall (ed.), *The Oxford Handbook of Papyrology* (Oxford: 2009), 217–218.

6 A. Camplani, "Setting a Bishopric / Arranging an Archive: Traces of Archival Activity in the Bishopric of Alexandria and Antioch", in S. Kienitz, M. Friedrich, C. Brockmann, and A. Bausi (eds.), *Manuscripts and Archives: Comparative Views on Record-Keeping* (Berlin: 2018), 231–272. For the earliest references to stenographers in the ancient *Passiones martyrum*, cf. M.-Y. Perrin, "*Abiectis ante iudicis pedes tabulis*: Stenografia e stenografi nelle Passioni tardoantiche di martiri Cristiani", in R. Lizzi Testa, G. Marconi, and A. Giomma (eds.), *The* Collectio Avellana *and the Development of Notarial Practices in Late Antiquity* (Turnhoult:2023), 325–337.

7 D. Moreau, "Les actes pontificaux comme sources des historiens et des chroniqueurs de l'Antiquité tardive", in Ph. Blaudeau and P. Van Nuffelen (eds.), *L'historiographie tardo-antique et la transmission des savoirs* (Berlin: 2015), 23–53.

8 Extensive discussion in D. Moreau, De rebus exterioribus: *Recherches sur l'action temporelle des évêques romains, de Léon le Grand à Grégoire le Grand (440–604 ap. J.-C.). Sources et approches; Les actes pontificaux comme sources des historiens*, Thèse pour obtenir le grade de Docteur de l'Université Paris-Sorbonne (Paris: 2012), 174–273.

the canonical collections, it seemed prudent to infer that there were hardly any 'systematic' records of all the documents outgoing and incoming from the papal chancery before the late Middle Ages.[9] Nevertheless, assuming that even in the Roman bishopric a primitive nucleus of a documentary collection had been formed, evidence shows that from the mid-fourth century it became functional for increased episcopal activity.

The *Liber Pontificalis* (in redaction P only) attributes to Pope Julius I (337–352) a provision that ordered clerics to engage lawsuits only in church, to make use of *notarii* to gather news useful to the ecclesiastical faith (*notitia, quae omnibus pro fide ecclesiastica est*) and of the *primicerius notariorum* to draw up all the acts relating to the main legal transactions that they (*clerici*) carried out in the *ecclesia per scrinium sacrum*, i.e., cautions (written obligations), dispositions or donations, permutations, legacies, wills, allegations (attached evidence), or manumissions.[10] G.B. De Rossi, considering the existence of a *scrinium* (in the sense of an archive) under Pope Julius I to be real, thought that the *lector re*(*gionibus*) *sec*(*undae*) Eq[uitius] Heraclius, attested in an inscription datable between 318–338, might have acted there as notary.[11] Although there is nothing in the inscription that connects the young *lector* with a papal *scrinium*, the hypothesis that notaries were somehow in charge of collecting documents relating to the episcopal see is far from absurd. Damasus's father, around the same time,[12] was *exceptor* before he became (or while he was?) *lector*.[13] Notwithstanding, the very mention of the *primicerius notariorum* led

9 E. Wirbelauer, "Leo der Große und die Entstehung des Papsttums", in M. Meier (ed.), *Sie schufen Europa: Historische Portraits von Konstantin bis Karl dem Großen* (Munich: 2007) 82.

10 *Liber Pontificalis* 36.3: *Hic constitutum fecit ut nullus clericus causam quamlibet in publico ageret, nisi in ecclesia, et notitia quae omnibus pro fide ecclesiastica est per notarios coligeretur, et omnia monumenta in ecclesia per primicerium notariorum confectio celebraretur, sive cautiones vel extrumenta aut donationes vel commutationes vel traditiones aut testamenta vel allegationes aut manumissiones, clerici in ecclesia per scrinium sanctum celebrarentur*. Cf. L. Duchesne (ed.), *Le Liber Pontificalis. Texte, introduction et commentaire* (Paris: 1886), I 206 n. 10. On this passage, cf. A.A. Verardi, *La memoria legittimante: Il* Liber Pontificalis *e la Chiesa di Roma del secolo VI* (Rome: 2016), 143; 150; 154–155.

11 *ILCV* I 1266; G.B. De Rossi, *De origine historia indicibus scrinii et bibliothecae Sedis apostolicae commentatio*, in *Codices Palatini Latini bibliothecae Vaticanae* (Rome: 1886), XXX. Cf. Teitler, Notarii *and* exceptores 138 (*Heraclius), 292 n. 153; Ch. – L. Pietri (eds.), *Prosopographie chrétienne du Bas-Empire. 2. Prosopographie de l'Italie chrétienne* (Rome: 1999) (= *PChBE*), 977 (Eq[uitius]HERACLIVS), I. Mossong, *Der Klerus des spätantiken Italiens im Spiegel epigraphischer Zeugnisse* (Berlin/Boston: 2022), 271.

12 Antonius died between 306 and 324: "Antonius" in *PChBE*, 160.

13 *Epigrammata Damasiana* 57.1: *Hinc pater exceptor, lector, levita, sacerdos* […]; A. Ferrua (ed.), *Epigrammata Damasiana* (Rome: 1942) 201; Teitler, Notarii *and* exceptores, 47–48.

many to the conclusion that this passage of *Liber Pontificalis* is anachronistic.[14] Nevertheless, in the coeval imperial administration, while the *notarii*, organised hierarchically with a *primicerius* and a *secundicerius*, between 367 and 381 achieved a gradual rise in rank from *perfectissimi* to *clarissimi*, from 381 the *primicerius* and *secundicerius notariorum* were conferred with the rank of proconsuls. This does mean that between the first and the second half of the fourth century, the *primicerius notariorum* was becoming the highest in the hierarchy of *notarii*.[15] Since it is difficult to imagine that such an official, at the head of a group of ecclesiastical notaries, also operated in the Roman Church, we should think that this passage of the *Liber Pontificalis* records a phase in which Roman clerics, authorized to perform certain important legal acts in the church, were required to call a *primicerius notariorum* of the imperial administration to give those acts formal validity, before keeping them in their *scrinium*.

A polemical utterance by Jerome offers the first reliable reference to the Roman papal archive and indirectly indicates its nature. In the summer of 401, he suggested to his interlocutor to check whether the letter of Pope Anastasius I (399–401) was authentic in the *romanae Ecclesiae chartarium*.[16] Since at the time *chartae* was the term normally used to define imperial and ecclesiastical documents as written on *charta*, it is not surprising that Jerome uses a *hapax* to indicate a repository of papers, in the sense of a primitive archive.[17] At the same time *scrinium/scrinia*, *notarii* and *archiva* appear in some letters of Pope Innocent I (401–417) and his successor Boniface (418–422). Two letters of Pope Innocent I (401–417) – to Anisius of Thessalonica in 401/402 and to his successor Rufus of Thessalonica in 412 – recall deliberations dating back to Pope

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He is the only *exceptor* known from the Roman church of the third or fourth century: M. Raimondi, "Damasus and the papal *Scrinium*", in Lizzi Testa and Marconi (eds.), *The* Collectio Avellana *and Its Revivals*, 288–289.

14 Ch. Pietri, Roma Christiana: *Recherches sur l'Église de Rome, son organisation, sa politique, son idéologie de Miltiade à Sixte III (311–440)* (Rome: 1976), 672–673, tried to explain the mention of *scrinium* in this passage, but F. Martello, *All'ombra di Gregorio Magno. Il notaio Paterio e il* Liber testimoniorum (Rome: 2012), 49; 81–87, judged the passage anachronistic.

15 *Codex Theodosianus* 6.10. 2–3: Teitler, Notarii *and* exceptores 71; 255; Cf. I. Tantillo I., "Alcune note sui *notarii* nella Corte imperiale del IV secolo", in Lizzi Testa, Marconi, and Giomma (eds.), *The Development of Notarial Practices*, 135–156.

16 Jerome, *Apologia contra Rufinum* 3.20: *Si a me fictam epistulam suspicaris, cur eam in romanae Ecclesiae chartario non requiris?*: cf. P. Lardet (ed.), *Saint Jérôme: Apologie contre Rufin. Introduction, texte critique, traduction et index* (Paris: 1983), 266–267.

17 P. Lardet, *L'apologie de Jérome contre Rufin: Un commentaire* (Leiden: 1993,) 297; M. Capasso, Volumen: *Aspetti della tipologia del rotolo librario antico* (Naples: 1995), 21–30, n. 39; 53.

Damasus (366–384).[18] Both Pope Innocent I[19] and Pope Boniface I (418–422), moreover, addressing Rufus himself, used *scrinium/scrinia* and *archiva* to refer to places where archival research could be conducted, and to presbyters and notaries as their staff.[20] These letters, preserved in the *Collectio Thessalonicensis*, which seems to have been composed in Rome in 531,[21] may indicate that Pope Innocent I did not quote from memory but referred to papal documents preserved in the papal *scrinium* and sent to Thessalonica. Nearly all scholars, therefore, agree that forms of archiving were practised in the time of Pope Damasus and, as these grew considerably during his episcopate, they favored the creation – only then – of a *scrinium* in the proper sense of an archive. It was a place, which received and preserved liturgical documents,

18 Innocent I's letter to Anisius (JK 285 = *Coll. Thess.* 4 ll.16–20): *Cui etiam anteriores tanti ac tales viri praedecessores mei episcopi, id est sanctae memoriae Damasus, Siricius atque supra memoratus vir ita detulerunt ut omnia quae in illis partibus gererentur, sanctitati tuae, quae plena iustitiae est, traderent cognoscend*a. The Letter to Rufus (JK 300 = *Coll. Thess.* 5, ll. 23–26): *non primitus haec ita statuentes, sed praecessores meos apostolicos imitati, qui beatissimo Acholio et Anysio iniungere pro eorum meritis ista voluerunt.*

19 Innocent to Rufus (JK 300 (97) = *Coll. Thess. ep*. 5. ll. 41–43: *Omnem sane instruccionem chartarum in causa archivorum cum presbytero Senecione, viro admodum maturo, fieri iussimus. Itaque et ex priore nostra epistola et ex his chartulis bene recensens quid agere debeas, recognosce.*

20 Boniface to Rufus (JK 350 (142) = *Coll. Thess. ep*. 8.21–24): *Frequentia igitur, ut scrinii nostri monumenta declarant, ad caritatem tuam* [...] *scripta manarunt*; JK 365 (148) = *Coll. Thess. ep*. 8: *sicut fides adserit scriniorum. Notarii* are quoted in the following letters: Boniface to Rufus: JK 365 (148) = *Coll. Thess. ep*. 8.122: *his litteris ... quas a nobis per Severum apostolicae sedis notarium, animis acceptissimum nostris, e nostro latere destinatum, videatis esse directas*; JK 363 (146) = *Coll. Thess. ep*. 9.52–56: *Tuae caritatis est Severum apostolicae sedis notarium animis acceptissimum nostris, ex nostro proprie latere destinatum, peractis omnibus, tota celeritate dimittere, ut gestarum ordinem rerum eodem festinius revertente noscamus*.

21 The *Collectio Thessalonicensis* contains a dossier of papal letters starting with those of Damasus to Acholius of Thessalonica. Catalogue in G. Marconi and S. Margutti, "Appendice", in R. Lizzi Testa, "La *Collectio Avellana* e le collezioni canoniche romane e italiche del V–VI secolo: Un progetto di ricerca", *Cristianesimo nella Storia* 35 (2014), 77–236. About its composition, see D. Moreau, "The Papal Appeal Court in the Sixth Century: The Example of the Roman Synod of 531", in R. Haensch (ed.), *Recht haben und Recht bekommen im Imperium Romanum: Das Gerichtswesen der Römischen Kaiserzeit und seine dokumentarische Evidenz. Ausgewählte Beiträge einer Serie von drei Konferenzen an der Villa Vigoni in den Jahren 2010 bis 2012* (The Journal of Juristic Papyrology. Supplements, 24) (Warsaw: 2016), 365–403; D. Moreau, "Le processus de compilation des collections canoniques italiennes pendant l'Antiquité", in R. Lizzi Testa (ed.), *La* Collectio Avellana *fra Tardoantico e Alto Medioevo*, *Cristianesimo nella Storia* 39. 1 (Bologna: 2018), 57–58.

acts of ecclesiastical policy such as papal letters, sentences, decrees, as well as provisions relating to donations and property.[22]

The modern view of the three main activities having a strict relationship with written records would lead to a distinction between the chancery of the bishopric, the archive and the library. In the earliest phase, however, none of the information we have allows us to identify an articulation of three entities for the activities of even large dioceses. I would be inclined to believe, therefore, that the materials, after registration by the *exceptores*, were prepared and stored in one place, or in a system of connected places, with a minimal staff that could perform different functions. In this sense, although the available evidence would seem to trace the formation of a primitive chancery in the Roman episcopal Curia only to the middle of the fourth century, we must assume that even in the church of the capital of the Empire, the recording and preservation of materials from the activities of the bishops progressed from the first decades of the fourth century.

## 4 The *scrinia* of the Imperial Administration

It is useful to refer to the coeval imperial organization, not so much to reconstruct the church archives on the image we have of the imperial chancery and archives,[23] but to understand how difficult it is to reconstruct the stages of an organization, which developed with expansions of personnel, attribution of new functions, career adjustments and changes in rank as the volume of administrative activities increased and with it the need for more precise classifications, which demanded duties and privileges. The imperial *scrinia* themselves, before they became *sacra scrinia*, were boxes of files. They were loaded onto wagons, together with sacks of gold and silver coins, supervised by thousands of troopers of the guard and clerks of the ministries, to be at the disposal of the emperors, who even at the end of the third century were always on the march to war scenes together with the *comitatus*. In 326, Constantine declared that his *palatini* "are not strangers to the dust and toil of the camps, since they accompany Our standards; they are always present at Our official acts, and

22 Ph. Blaudeau, *Le siège de Rome et l'Orient (448–536). Étude géo-ecclésiologique* (Rome: 2012), 84–85.

23 L. Dalmon, *Un dossier de l'Épistolaire augustinien: La correspondance entre l'Afrique et Rome à propos de l'affaire pélagienne (416–418). Traduction, commentaire et annotations* (Leuven: 2015), 145–146, criticizes this approach.

while they are intent on their scholarly studies, they are harassed by the length of Our journeys and the difficulties of Our expeditions".[24]

The term *scrinia* appears for the first time in a constitution of 314 AD, which the emperor himself addressed to his "well deserving Palatines" from Trier to guarantee them important exemptions. He recalls the members of the three main imperial offices "that is who serve in the bureaus of memorials, of correspondence, and of petitions" and distinguishes them from those who served in other palatine offices "who have blamelessly performed their duties in Our bureaus".[25] These were therefore men who, as members of the *comitatus*, had followed him from Rome to his residence in Trier. The files they stored in the boxes accompanying the travelling emperor, however, came from some of the *officia*, which had already been operating in the administration. In the Augustan age, an *ab epistulis* is attested, while an *a libellis* (probably instituted by Claudius) and an *a memoria* (perhaps created in the Julio-Claudian age) appeared later.[26] Simplifying a much more complex development, in the third century they were organized hierarchically under their three *magistri*, while in the fifth century the *Notitia Dignitatum* also records a fourth department, the *scrinium dispositionum*. The picture only then appears well-defined: the various offices were assigned as many *magistri scriniorum* and all reported to the *magister officiorum*.[27]

Scholars are still investigating the evolution of these offices, the primitive functions of the *magister memoriae*, the possible increase of powers by the *magister officiorum*, and the role of the *quaestor sacri palatii*.[28] It is certain, however, that from the very beginning each of these *officia* functioned also and above all as an archive of materials necessary for administrative and judicial action. And we can imagine that each *officium* had at its service *exceptores*. They have long been confused with *notarii* and only during the fourth century, when a *schola notariorum* was created, the latter were distinguished from the simple

24 *Codex Thedosianus* 6.36.1 to Severus, Prefect of the City (May 23, 326): tr. by C. Pharr, *The Theodosian Code and Novels and the Sirmondian Constitutions* (Princeton NJ: 1952), I 154.

25 *Codex Thedosianus* 6.35.1 to *Palatinis bene meritis suis* (October 29, 314).

26 M. Peachin, "The Office of the Memory", in E. Chrysos (ed.), *Studien zur Geschichte der römischen Spätantike: Festgabe für Professor Johannes Straub* (Athens: 1989), 168–208; K. Klodzinski, "The Office *a memoria* in the Imperial Court Offices in the Principate", in *The Roman Empire in the Light of Epigraphical and Normative Source* (Toruń: 2013) 57–90.

27 V. Aiello, "I rapporti fra centro e periferia in epoca costantiniana. L'origine del *magister officiorum*", in *Atti dell'Accademia Romanistica Costantiniana. XIII Convegno Internazionale in memoria di André Chastagnol* (Naples: 2001), 155–58.

28 D. Vera, "Alcune note sul *quaestor sacri palatii*", in *Hestíasis: Studi di tarda antichità offerti a Salvatore Calderone* (Messina: 1986), I 27–53; J. Harries, "The Roman Imperial *Quaestor* from Constantine to Theodosius II", *Journal of Roman Studies* 78 (1988), 148–172.

and more humble scribes. While the *exceptores* retained their main function, that of mastering tachygraphy, from the age of Constantius II (337–361) and then especially with Valentinian I (364–375), some imperial *notarii*, held high offices and, with the title of *tribuni et notarii*, lost the physiognomy of stenographers to take on higher tasks of a political, diplomatic, and judicial nature. The process of upward social mobility that affected this administrative body during the second half of the fourth century has now been well investigated.[29]

From the fifth century onwards, episcopal *notarii* seem to have gathered both the legacy of the *exceptores*, using shorthand and the technique of composing minutes, and that of *tribuni et notarii*, as many performed diplomatic missions on behalf of the bishops and composed chancery documents of high rhetorical content for them.[30] If the articulations of chancery of papal Curia are better documented in later centuries,[31] the comparison with the developments of the various imperial departments leads us to believe that we must imagine a simple organization, which became progressively more complex. We cannot believe that it was non-existent and only became effective in the second half of the fourth century.

## 5 An Early Nucleus of the Roman Curia

I will recall some evidence that converges in this sense. The first testimony concerns Pope Miltiades (311–314). His election on 2 July 311 – after the Roman community had been affected by strong tensions for almost eight years, and shortly before Constantine's arrival in Rome at the end of October 312 – had sanctioned the renewed agreement of the main Christian groups.[32] Augustine says that Pope Miltiades also recovered the ecclesiastical properties confiscated during the persecutions, exhibiting the letters with which the emperor

29 Above, n. 15.

30 D. Internullo, "Gli exceptores fra tarda antichità e alto medioevo: Aspetti istituzionali, sociali e culturali", in Lizzi Testa, Marconi, and Giomma (eds.), *The Development of Notarial Practices*, 297–322; cf. the diplomatic activity carried out by the *notarii* who acted as letter carriers in the *Collectio Avellana*, in N. Lenski, "Moving the Mail: The Status and Operations of Letter Carriers in the *Collectio Avellana*", in *ibidem*, 507–563.

31 C. Carbonetti, "Il *palatium Lateranense* come risorsa: Gli scrittori di documenti a Roma tra VIII e XII secolo", in S. Carocci and A. De Vincentiis (eds.), *La mobilità sociale nel Medioevo italiano 3. Il mondo ecclesiastico (secoli XII–XV)* (Rome: 2017), 75–92.

32 A. Di Berardino, "'Su questa pietra edificherò la mia Chiesa': Organizzazione ecclesiastica fra III e IV secolo", in A. Melloni (ed.), *Costantino I. Enciclopedia Costantiniana sulla figura e l'immagine dell'imperatore del cosiddetto Editto di Milano 313–2013* (Rome: 2013), I, 883–898.

Maxentius had communicated this order in Italy and Africa.[33] We do not know what mechanisms and 'minor' figures the procedure implied. The deacons sent by Miltiades, however, would not have been able to recover the places taken from the Christians of Rome during the persecution if they did not have a detailed list of them to present to the examination and control of the qualified officials of the urban prefecture. This presumable list, itself the result of previous registration and preservation, suggests the existence of a Roman bishop's secretariat and a primitive archive. Confirmation also comes from the content of the biographies in the *Liber Pontificalis*, which immediately change from the time of Pope Miltiades, since they become rich in news based on archive documents that mainly concern material aspects of the church.[34] Personnel skilled in maintaining a simple filing system, probably lay and not necessarily as numerous and specialized as in the crowded imperial departments, were certainly used in the early fourth century.

While Augustine speaks generically of *loca ablata* (confiscated property), other testimonies describe what goods were requisitioned. To enforce the Diocletian edict, in 303 Munatius Felix, *flamen perpetuus* (i.e., priest of the imperial cult) and administrator (*curator*) of the African town of Cirta, had requisitioned all the property of the local church (*domus in qua Christiani conveniebant*). As an *Appendix* to his work, Optatus of Milevis preserved the Acts of the trial held in 320, to verify whether Bishop Silvanus was indeed a Donatist and had handed Munatius Felix a silver lantern and a silver *capitulate*.[35] During that trial, the events that took place in 303 were recalled, and the documents drawn up at that time were presented. The inspection had covered the various rooms of the local church, which are named according to their functions: the *triclinium*, which was the place for communal meals, the library, and other adjacent rooms. The *domus* had several gold and silver objects, evidently for the liturgy, all inventoried.[36] It is difficult to believe that the *domus* where the

33 Augustine, *Breviculus conlationis cum donatistis* 3, 18, 34 (CCSL 149A, 299): [...] *Miltiades misisse diaconos cum litteris Maxentii imperatoris et litteris praefecti praetorio ad praefectum urbi, ut ea reciperent quae tempore persecutionis ablata memoratus imperator christianis iusserat reddi*; cf. Augustine, *Ad Donatistas post collationem* 1 13 (17) (PL 43 662): [...] *ut reciperent loca quae fuerant a Christianis tempore persecutionis ablata.*

34 H. Geertman, "Documenti, redattori e la formazione del testo del *Liber Pontificalis*", in H. Geertman (ed.), *Atti del colloquio internazionale Il* Liber Pontificalis *e la storia materiale. Roma, 21–22 febbraio 2002* (Rome: 2003), 267.

35 Optatus, *Tractatus contra Donatistas. Appendix* 1 (*Gesta apud Zenophilum*) (CSEL 26) 193. Cf. Y. Duval, *Chrétiens d'Afrique à l'aube de la paix constantinienne: Les premiers échos de la grande persécution* (Paris: 2000) 67; 357–382.

36 Optatus, *Tractatus contra Donatistas. Appendix* 1 (*Gesta apud Zenophilum*), 186–187.

Christians of Rome gathered was less organized than that of an African fortress, located on a stronghold defended by the Apsaga (Rummel) river, such as Cirta was even after Constantine had rebuilt it by giving it the name *Constantina*.[37]

The above quoted example is interesting, since Constantine's generosity towards Christians manifested itself in a similar way both towards the Roman community of Miltiades and the Catholic Christians of Cirta. From a letter the emperor sent in 330 in reply to eleven Catholic bishops of Numidia not otherwise known,[38] we know that when Cirta/Constantina was restored, embellished, and renamed, a church was built by order of Constantine for Catholics.[39] The new church in Cirta/Constantina was probably named *basilica Constantiniana* after the one dedicated in Rome to the Savior, which only later was known as S. Giovanni in Laterano.[40] In Cirta/Constantina the church was erected before 321, when the Donatists recalled from exile occupied it. In Rome, the building to which an imperial property had been reserved (the one where the barracks of the *Equites singulares* had been razed) was consecrated before 324.[41] Some data, in sources indeed no earlier than the eleventh century, would date the decision to the aftermath of the Milvian Bridge: work would have started very early, probably around 314 (if not already by the end of 312) and would have been completed as early as 318.[42]

Also in Rome, therefore, Constantine may have built the *basilica Constantiniana* in response to a request from the bishop, to strengthen the *pars catholica* of the Roman congregation. The basilica, according to the

37 The city had been badly damaged in 310 during the clash between Rufius Volusianus and the usurper Domitius Alexander: N. Lenski, *Constantine and the Cities: Imperial Authority and Civic Politics* (Philadelphia: 2016), 141–144.

38 Optatus, *Tractatus contra Donatistas. App.* X (*Epistula Constantini de basilica catholica erepta*), 213–216. The date of the letter can be deduced from the law cited therein, which was sent on February 5, 330 by Serdica to the *consularis* of Numidia, Valentinus (*Codex Theodosianus* 16.2.7).

39 Optatus, *Tractatus contra Donatistas. App.* X 215: *eam basilicam ecclesiae catholicae, quam in Constantina ciuitate iusseram fabricari*. On the story of this building after 321, when the Donatists occupied it, see M.V. Escribano, "Lugares de culto en disputa: La usurpación herètica de la basilica católica de Cirta-Constantina", in T. Canella (ed.), *L'impero costantiniano e i luoghi sacri* (Bologna: 2016), 309–336.

40 *Liber Pontificalis* 34.9.

41 P. Liverani, "L'edilizia costantiniana a Roma: Il Laterano, il Vaticano, Santa Croce in Gerusalemme", in *Costantino il Grande: La civiltà antica al bivio tra Occidente e Oriente* (Milano: 2005), 76.

42 R. Krautheimer et alii, *Corpus basilicarum christianarum Romae* (Vatican City: 1977), V 10; 94. The definite date is considered November 9, 318 by M. Cecchelli, "S. Salvator, Basilica", in E.M. Steinby (ed.), *Lexicon Topographicum Urbis Romae* (Rome: 1999), IV 230–233.

reconstructions of archaeologists, had imposing dimensions.[43] It was rich in endowments, a list of which is preserved in the *Liber Pontificalis* in the *Life* of Pope Sylvester.[44] According to the 'Donation of Constantine', the oldest part of which dates to the eighth/ninth century, the emperor had donated a palace in the Lateran to the pope to make it the residence of the bishops of Rome. The legend was built on the fact that the episcopal residence was known as *patriarchium* from the eighth century onwards.[45] Where the bishop of Rome lived in the fourth century is uncertain but, from the excavations in the area, it has recently been suggested that the name was derived from Titus Sextius Lateranus, whom Septimius Severus chose as one of his closest collaborators. His house stood in front of the basilica and became the seat of the bishop of Rome during the fourth century, transforming into the large complex of the *patriarchium* in the Middle Ages.[46]

The *scrinium Lateranum*, including archive and library, probably developed there since a bishop resided in his new house. In the first months of his residence in the capital, and following the report of the proconsul of Africa, Anullinus, Constantine addressed Miltiades, informing him that he wished to gather several bishops in Rome so that they could decide about the division that had been arisen in the see of Caecilian of Carthage.[47] Optatus of Milevis records that they *convenerunt in domum Faustae in Laterano* or, more appropriately checking the codices, *in Laterani*, to mean *in* (*aedibus*) *Laterani*.

43 It had a central nave terminating in a grandiose apse and exterior smaller naves that widened into two side spaces to create a pseudo transept. Its size and shape are given by F. Guidobaldi, "Leggere l'architettura costantiniana", in Melloni (ed.), *Costantino i*, 493–515. On its *fastigium*, Geertman H., "Il *fastigium* lateranense e l'arredo presbiteriale: Una lunga storia", in Geertman (ed.), *Atti del colloquio internazionale*, 29–44.

44 On the list in *Liber Pontificalis* 34.9–12, R. Davis (ed.), *The Book of Pontiffs* (Liber Pontificalis): *The Ancient Biographies of the First Ninety Roman Bishops to AD 715. Revised Edition, Translated with and Introduction* (Liverpool: 2010), XXVIII–XXXVI; cf. R. Krautheimer, "The Ecclesiastical Building Policy of Constantine", in Bonamente G. – Fusco F., *Costantino il Grande. Dall'antichità all'Umanesimo. Colloquio sul cristianesimo nel mondo antico Macerata 18–20 dicembre 1990* (Macerata: 1993), II, 523.

45 E. Nash E. "Convenerunt in domum Faustae in Laterano. S. Optati Milevitani I, 23", *Römische Quartalschrift* 11 (1976), 1–21.

46 P. Liverani, "The Evolution of the Lateran: From the *Domus* to the Episcopal Complex", in L. Bosman, I. Haynes, and P. Liverani (eds.), *The Basilica of Saint John Lateran to 1600* (Cambridge: 2020), 22.

47 For Eusebius, *Ecclesiastical History* X.V.19, the order was to summon Caecilian to Rome, accompanied by ten bishops who considered his election invalid and ten others who supported his cause, so that in the presence of Miltiades, as well as Reticius, Maternus, and Marinus – the bishops whom he had summoned from Gaul – Caecilian could be heard "in a manner consistent with the very august law".

The toponym *Lateranum*, in fact, only appeared in the eleventh century.[48] Regardless of the identification of this place,[49] a chancery service operated there during the synod, with *exceptores* or *notarii* who recorded the debate, gave public readings of the documents presented, and produced an *editio gestorum*. The Acts of the Roman synod were still available to Optatus of Milevis at the time of Valentinian I and Valens (364–368). The list of participants in the Roman Council of 313 that he transmits is in some places corrupt, as both the consular date (which would indicate 2 October 315) and some of the names of the locations mentioned.[50] Apart from minor textual variants, however, those of the three bishops of northern Italy – Merocles in Mediolano, Stennius ab Arimino, Constantius in Faventia – are correct and fragments from Acts are quoted rightly in two passages of Optatus's work.[51] Since those Acts were read at the Carthage Conference in 411, Augustine also refers to them several times.[52]

The more sceptical might argue that imperial officials carried out all those tasks since no bishop's chancery can be imagined to be active at that time. Whereas, however, already in 314 Constantine left Rome for Trier taking with him the officers and materials of the three imperial *scrinia* most useful for the government of the empire, while the activity of the bishop of Rome intensified.

## 6 Ecclesiastical Tachygraphs and the Development of Papal Curia

Considering the duties usually associated with ecclesiastical tachygraphs – *manumissiones in ecclesia*, charters of donations, conciliar acts – Pietri already

48 Optatus, *Tractatus contra Donatistas* I.23.2. The reference to the *domus Faustae in Laterano* cannot be used to date the construction of the Lateran as the official residence of the Roman bishop: Pietri, Roma Christiana 5–7. On this passage, C. Gnilka, "Aedes Laterani", *Zeitschrift für Papyrologie und Epigraphik* 188 (2014), 74–76 n. 7; Liverani, "The Evolution of the Lateran", 18.

49 Some have thought that the *domus Faustae* was the house of Constantine's wife, whose memory had been obliterated by the time of Optatus, but P. Liverani, "Dalle *aedes Laterani* al patriarchio lateranense", *Rivista di Archeologia Cristiana* 75 (1999), 525, suggested identifying her with a woman from the Anician family, a Christian aristocrat who offered hospitality to the council.

50 Augustine gave the date of the Roman synod by reminding the Donatists, after the Carthage Conference in 411, that Miltiades had passed his sentence against them "when Constantine for the third time and Licinius for the second time were consuls, on the sixth day before the None of October": Augustine, *ad Donat. post. coll.* 33.56.

51 Optatus, *Tractatus contra Donatistas* I.23.1–2; I.24.2.

52 M. Labrousse (ed.), *Optat de Milève. Traité contre les Donatistes: Introduction, texte critique, traduction et notes* (Paris 1995–1996), I 63, n 1.

recognized that there are no Roman examples of the former for the earliest period.[53] Donation acts, or foundation documents to be preserved because of living legacies or wills, as they depended on imperial regulations, were drawn up by the staff of the imperial *officia*. It is unlikely, however, that they were not at least copied by ecclesiastical stenographers to preserve them in their own archives. It is not certain when the donations to the Church of Rome became so large as to make one and the other necessary. The list of Constantinian donations in the *Vita Sylvestri* in the *Liber Pontificalis* was considered a later creation.[54] Following Pietri, however, other scholars have argued for its substantial authenticity, thinking that it perhaps depended on imperial documents preserved in papal archives.[55] Administrative anachronisms regarding donations for St. Peter's also betray the presence of information from before 370 or 382 at the latest.[56] The author of the *Liber Pontificalis* did not invent such lists. He probably adjusted them following the more complex sixth century inventories but collecting documents preserved in local archives.

Some data can be added to this debate. Pope Julius (337–352) also organized a council in 341 to decide, among other things, on the position of Athanasius, who was then in Rome.[57] A missive from the Council of Serdica (343), preserved in the *Collectio Italica*, was sent to that pope, and the Acts of that council were preserved in Rome, although confused with those of Nicaea after which they were probably transcribed.[58] Texts of a different nature than papal letters or decrees,

53 Pietri, Roma Christiana, 679.

54 *Liber Pontificalis* 34.12 ; E. Wirbelauer, "Réorganiser l'Église italienne: Une étape vers la codification du droit canonique à la fin du Ve siècle et au début du VIe siècle", *Mélanges de l'École Française de Rome. Antiquité* 125 (2013), 483, n. 11.

55 Ch. Pietri, "Évergétisme et richesses ecclésiastiques dans l'Italie du IVe à la fin du Ve s.: L'exemple romain", Ktema 3 (1978, reprint, Rome: 1997), 317–337; D. Vera, "*Massa fundorum*: Forme della grande proprietà e poteri della città fra Costantino e Gregorio Magno", *MEFRA* 111 (1999), 991–1025; D. Vera, "Osservazioni economiche nella *Vita Sylvestri* del *Liber Pontificalis*", in F. Chausson and E. Wolff (eds.), Consuetudinis amor: *Fragments d'histoire romaine* (*IIe–VIe siècles*) *offerts à J.-P- Callu* (Rome: 2003), 419–430; Maiuro M., "Archivi, amministrazione del Patrimonio e proprietà imperiali nel *Liber Pontificalis*: la redazione del *libellus* copiato nella *vita Sylvestri*", in D. Pupillo (ed.), *Le proprietà imperiali in Italia* (Florence: 2007), 235–258. On liturgical furnishings, see H. Geertman, Hic fecit basilicam: *Studi sul* Liber Pontificalis *e gli edifici ecclesiastici di Roma da Silvestro a Silverio* (Leuven: 2004).

56 P. Liverani, "Old St. Peter's and the emperor Constans? A debate with G.W. Bowersock", *Journal of Roman Archaeology* 28 (2015), 485–504.

57 A. Weckwerth, *Ablauf, Organisation und Selbstverständnis westlicher antiker Synoden im Spiegel ihrer Akten* (Münster: 2010), 169.

58 R. Lizzi Testa, "L'autorità del concilio di Serdica in Occidente: Testimonianze ambrosiane (*epp.* 30, 2–3; 72, 10)", in G. Ruggieri (ed.), *Autorità e recezione dei concili* (Bologna: 2019), 35–57.

such as some of those gathered in the *Codex-Calendar of 354*, came from archival liturgical documentation. The *List of Bishops of Rome* transmitted by that *Calendar* mentions a basilica at the second mile of the Via *Flaminia* among the constructions of Pope Julius: the basilica of Valentine (*basilicam in via Flaminia mil. ii quae appellatur Valentini*).[59] It was probably built on land donated to the pope by a Valentinus, a wealthy donor and lay benefactor, who was venerated as a martyr after his death during the clashes between several families of the senatorial aristocracy following the struggle between the Emperors Constantine II and Constans (339/340). Valentinus of the Roman basilica (and of the one also erected in *Interamna*, an area of senatorial property), was therefore a Junius Valentinus, belonging to the Symmachi family, the brother of Avianus Symmachus (father of the more famous Quintus Aurelius Symmachus), *consularis Campaniae* after 325, uncle of the Valentinus (Avianius Valentinus, *consularis Campaniae* between 364 and 365) for whom Furius Dionysius Filocalus, whose work for Pope Damasus is known, made the *Codex-Calendar of 354*, addressing him the dedication *Valentine floreas in Deo*.[60]

Immediately after Pope Sylvester, the Roman Church was characterized by a considerable building impetus that, by imposing a shrewd economic management of ecclesiastical property, contributed to enhancing the activity of deacons, who also ended up monopolizing the episcopal office (Liberius, Felix, Damasus, Ursinus, Siricius were all deacons).[61] Although the measure attributed to Pope Julius by the *Liber Pontificalis* could be anachronistic, it points to an evolving Curia around the middle of the fourth century, where tachygraphs (*exceptores*) and *notarii* were also beginning to specialize in different duties, because of the many materials to be inventoried and archived.

The age of Constantius II (337–361), during which the episcopates of Pope Julius (337–52) and Liberius (352–66) are placed, on the other hand, is considered the 'golden age' of the Palatine notaries.[62] In that period, ecclesiastical

59 *Monumenta Germaniae Historica Antiquitates* IX 76; *Liber Pontificalis* 36. 2. The *List of Bishops of Rome* is in section XIII of the *Codex-Calendar of 354*. Since this *List* ends when Pope Liberius took office (352), it is also called *Catalogue of Liberius*: Pietri, Roma Christiana, 389.

60 R. Lizzi Testa., *Christian Emperors and Roman Elites in late Antiquity* (London-New York: 2022), 226–262.

61 L. Spera, "Regiones divisit diaconibus: Il ruolo dei diaconi negli apparati amministrativi della chiesa di Roma e la questione delle regioni ecclesiastiche", in *Diakonia, diaconiae, diaconato: Semantica e storia nei padri della Chiesa. XXVIII Incontro di studiosi dell'antichità cristiana. Roma, 7–9 maggio 2009* (Rome: 2010), 453–479; M. Cecchelli, "Temi di approfondimento sui problemi del servizio assistenziale", *ibidem*, 549–573.

62 For new considerations on this period, M. Raimondi, "The *notarii* of the Valentinian Emperors (AD 364–392)", in Lizzi Testa, Marconi, and Giomma (eds.), *The Development of Notarial Practices*, 157–179.

and imperial personnel increasingly cooperated, as shown by the jury examining Photinus at Sirmium. Accused by the Eastern bishops gathered in council in 351, Photinus had reacted to the decision to depose him by challenging his rivals to a public dispute. On a fixed day, the bishops gathered to judge the debate between Photinus and Basil of Ancyra. Sitting next to them were several senators, whom Constantius II – present there, since Pannonia came under his rule at the time – had ordered to attend.[63] Sozomen speaks of high-ranking members of the Court, excellent in oratory and dignity, entrusted with the role of judges.[64] These were lay elements, Christian members of the imperial *comitatus*. The dispute between Photinus and Basil of Ancyra was recorded by a staff of seven stenographers from the imperial bureaucracy; three copies were made, one of which was delivered to Constantius II, who enforced the sentence by sending Photinus into exile.[65] Among the stenographers, however, Anisius was the deacon of Basil.[66] Later, a co-presence of stenographers from the different parties was at first invoked and not obtained, then it probably became the norm. In the session of 3 September 381 of the council convened by Ambrose of Milan in Aquileia, Bishop Palladius repeatedly challenged the decision taken by Ambrose, and approved by the entire council, to have the various declarations recorded by clerics who were expert notaries (*clerici notarum periti*). As those stenographers were members of Valerian's church, Palladius was afraid of alterations of verbal testimony.[67] In Aquileia the problem was avoided, even disregarding the remonstrances of Bishop Secondianus: *quae dico non scribuntur et quae dicis scribuntur* [what I say is not written down, yet what you say is].[68] Precisely so as not to give rise to such suspicions, at the Carthage Conference on the Donatists in 411, it was decided that the debate should be recorded on both sides.[69]

The Roman Curia grew slowly during the episcopacy of Pope Liberius (352–366). For Sozomen, he was able to produce letters for Constantius II that had been sent to his predecessor Julius.[70] Siricius refers to the *generalia decreta*

63 Socrates, *Ecclesiastical History* 2.30.42.
64 Sozomen, *Ecclesiastical History* 4.6.14.
65 Epiphanius, *Adversus haereses* 71.1.4.
66 Epiphanius, *Adversus haereses* 71.1.8.
67 *Gesta* 34.354; 43.362; 46.364.
68 *Gesta* 69.378: cf. R. Lizzi Testa, "*Inter christianos etiam gentilitatis cultores sed et veteris legis studiosi audientiae sint adhibendi:* The Impact of Theological Controversies on the Intellectual Life of Late Antiquity", *Adamantius* 19 (2013), 69–83.
69 S. Lancel S. (ed.), *Actes de la conférence de Carthage en 411* (Paris: 1972), I 342–346.
70 Sozomen, *Ecclesiastical History,* 4.11.7.

of Pope Liberius.[71] This activity of incoming and outgoing texts from the chancery and archives of the papal Curia meant a strengthening of notarial figures. Some of them, not unlike Constantius II's notaries, made a splendid career, without, however, this implying an automatic inclusion of the function in the ecclesiastical cursus. This is shown by the famous Damasian epigram placed at the entrance of the church of San Lorenzo in Damaso, which also raises the question of the location of the Roman ecclesiastical archive.[72] The mention in the epigram of *archibis*, corrected to *archivis*,[73] prompted some to place the archive of the Roman Church in San Lorenzo in Damaso.[74] They believe that the first archive would be created there, and only in 649 moved to the Lateran.[75] The position of those who have instead denied it, even by amending the text in *arcubus*,[76] now finds support in the latest archaeological investigations, which rule out the presence of archives in San Lorenzo, placing there a prestigious room that could have served as a *secretarium*.[77] The idea that the first nucleus of the Roman Curia, with a primitive archive and library, developed in the residence of Pope Miltiades, opposite the Constantinian basilica of the Savior, remains firmly established.

## 7 The Turning Point: the Roman Curia of Pope Damasus

The ecclesiastical chancery and its staff grew during the fourth century and took on a decisive texture during the episcopate of Damasus, when the Roman church was propelled into a new dimension. The need to resolve the numerous problems of the long schism of Ursinus prompted the new bishop to produce as many documents as possible for the imperial Court to prove the validity of his election and obtain the places of worship still in the possession of his

71 *Patrologia Latina* 13, col. 1153.

72 Above, n. 13.

73 *Epigrammata damasiana* 57.5: *Archivis, fateor, volui nova condere tecta*.

74 Ferrua, *Epigrammata Damasiana*, 210; D. Trout (ed.), *Damasus of Rome: The Epigraphic Poetry. Introduction, Texts, Translations and Commentary* (Oxford: 2015), 187–188.

75 K. Blair-Dixon, "Memory and Authority in Sixth-Century Rome: The *Liber Pontificalis* and the *Collectio Avellana*," in K. Cooper and J. Hillner (eds.), *Religion, Dynasty, and Patronage in Early Christian Rome, 300–900* (Cambridge: 2007), 74–75.

76 Discussion and bibliography in Raimondi, "Damasus and the Papal 'scrinium'" 283, n. 15.

77 M. Cecchelli, "San Lorenzo in Damaso: La documentazione delle fonti", in C.L Frommel and M. Pentiricci (eds.), *L'antica basilica di San Lorenzo in Damaso: Indagini archeologiche nel Palazzo della Cancelleria (1988–1993)* (Rome: 2009), I, 280–282; R. Krautheimer and M. Pentiricci, "La basilica di San Lorenzo nei secoli IV–X (Periodi 8–9)", in *ibidem,* I, 274–275.

opponents. As early as 368, Damasus used *defensores ecclesiae Urbis Romae*.[78] Around the same years, Emperor Valentinian I also decided to create the *defensores plebis* through laws, whose chronology ranges between 364 and 368.[79] A *comprobatio* by Valentinian I would seem to have intervened after Damasus, already acquitted in the trial brought against him by Isaac (a converted Jew), had also submitted himself to the judgement of a council of bishops.[80]

The early use of lay lawyers, engaged in drafting *petitiones* in the service of the church, also caused an evolution in relations between the ecclesiastical and imperial administrations. This attitude strengthened the institutional and legal foundations of relations between pope and emperor and favoured the recognition of the bishop's doctrinal autonomy. In a rescript, Valentinian I recognised that it was not the emperor but the bishops who should decide in matters of faith, as Ambrose recalled on several occasions to Valentinian II.[81] The first effect of this was the autonomy of the bishop of Rome in the convocation of councils. While Liberius, at the request of the Italian bishops, still had to ask Constantius II in 353 to convene a council,[82] we have no record of similar requests from Damasus, who later convened four, or perhaps five councils,[83] with a number of participants quite different from those of 313 (fifteen Italian and three Gallican), or 341 (around fifty). Ninety/ninety-three bishops joined Damasus in condemning Auxentius of Milan before 374.[84] The work

78 As mentioned in Valentinian I's provision to the urban prefect Vettius Agorius Praetextatus: *Coll. Avell. Ep*. 6.2, O. Guenther (ed.), *Epistulae Imperatorum Pontificum Aliorum inde ab a. CCCLXVII usque ad a. DLIII datae* (Prague-Vienna-Leipzig: 1895) 49: *quam ob rem praecelsa sublimitas tua defensorum ecclesiae urbis Romae sive Damasi sacrae legis antistitis petitione perspecta* […]. On the *defensores ecclesiae*, R. Lizzi Testa, "*Hi sunt thesauri Ecclesiae*: La ricchezza della povertà nell'Occidente latino", in B. Caseau (ed.), *Les réseaux familiaux: Antiquité Tardive et Moyen Age in memoriam A. Laiou et E. Patlagean. Paris, 12–13 Novembre 2010* (Paris: 2012), 393–412.

79 *Defensores plebis* were first granted to the *plebs* of Illyricum, then to the western part of the Empire: F. Pergami (ed.), *La legislazione di Valentiniano e Valente (364–375)* (Milan: 1993), 25–28; 292; 410; F. Oppedisano, "Maioriano, la plebe e il *defensor civitatis*", *Rivista di Filologia e di Istruzione classica* 139/2 (2011), 422–448.

80 *Coll. Avell. Ep*. 13 4–5; 9 ([…] *ut etiam divo patri nostro Valentiniano est comprobatum*), ed. Guenther, 55–57; R. Lizzi Testa, *Senatori, popolo, papi: Il governo di Roma al tempo dei Valentiniani* (Bari: 2004), 177–181.

81 Ambrose, *Epistle* 75 (21M) 2. Cf. R. Lizzi Testa, "La *certatio* fra Ambrogio e Mercurino Aussenzio, ovvero a proposito di una deposizione mancata", in *Ambrogio e la sua basilica* (Milan: 2009), 39–68.

82 Hilary of Arles, *Collect. Series* B 7.6 (*CSEL* 65 167).

83 Pietri, Roma Christiana, 733–736; 741–748; 833–840; 866–872; Weckwerth, *Ablauf*, 169–170; C. Carletti., "Damaso I, santo", in *Enciclopedia dei Papi* (Rome: 2000), I 349–372.

84 Pietri, Roma Christiana, 734.

of the imperial chancery is evidenced by the *exemplum synodi habitae Romae episcoporum XCIII ex rescripto imperiali*, a sylloge transmitted from the *Codex Veronensis LX*, possibly passed on by the Antiochian church.[85] Such councils are usually referred to as Italian or at most Western synods.[86] However, Peter of Alexandria was present in a council held around 377/378 and Paulinus of Antioch and Epiphanius of Salamis attended in 382.

No longer able to rely on imperial officials as at Sirmium, it is inevitable to think that ecclesiastical *exceptores* and *notarii* dealt with the work of the councils, either to record those present or to formulate texts to be signed and to proclaim anathemas. The appearance of the first decretals and documents such as the *Tomus Damasi*,[87] the reception and processing of missives, which seem to have been preserved even in the sixth century, go in the same direction: the Roman bishop had to avail himself of a *scrinium* equipped with *notarii* and *defensores* who made use of libraries and archives.[88] Jerome's function in this context, as the bishop's 'secretary', as archivist and member of the *scrinium*, i.e., as editor of papal letters, the decretal *ad Gallos* and the formulas of faith at the council of 382, is still the subject of debate.[89]

Only one mention can be made here of the increased number of donations of land and domus to the church. Then, in fact, well before the reign of the pious Theodosius, the first conspicuous nucleus of Roman aristocrats manifested their willingness to covery, by clear signs, even of unrestrained generosity. At that time, aristocratic evergetism outflanked, and eventually replaced, imperial evergetism.[90] The real profile of the ecclesiastical patrimony took visible form in the *tituli*, endowed with a patrimony of rents, liturgical vessels,

85 This sylloge includes the *Confidimus*, *ea gratia*, *illut sane*, *Non nobis*, with part of the *subscriptiones* of bishops involved in the attempt. to recognize Bishop Meletius.

86 Weckwerth, *Ablauf*, 169–170.

87 It was a synodal letter issued by the bishops gathered at the council held in Rome between the end of 377 and the beginning of 378, articulated in twenty-four anathemisms: *Patrologia Latina* XIII, 354–365; the Greek version is in Theodoretus, *Ecclesiastical History,* V, 10–11.

88 Ch. Pietri, "Damase évêque de Rome", in Saecularia Damasiana. *Atti del convegno internazionale per il XVI centenario della morte di Papa Damaso I (11-12-384-10/12-12 1984)* (Vatican City: 1986; reprint, Rome: 1997), 44; Carletti, "Damaso I, santo", 363.

89 Jerome, *Epistle* 123.9 (*CSEL* 56.1): *cum in chartis ecclesiasticis iuvarem Damasum, Romanae urbis episcopum, et orientis atque occidentis synodicis consultationibus responderem*; Jerome, *Apologia contra Rufinum* 2.20: *cur ille* [sc. *Damasus*] *ecclesiasticas epistulas dictandas credidit*. Cf. Raimondi, "Damasus and the Papal 'scrinium'", 283, n. 17.

90 For a new interpretation of the constitution of Valentinian I addressed to Damasus (*CTh* 16.2.20 (July 30, 370), see R. Lizzi Testa., "Clerical Hierarchy and Imperial Legislation in Late Antiquity: The Reformed Reformers", in C.M. Bellitto and L.I. Hamilton, *Reforming the Church before Modernity* (Aldershot: 2005), 87–103.

and lights, which produced sumptuous furnishings and precious objects used for the liturgy.[91] The well-known Damasian promotion of the cult of the martyrs, through a monumentalisation of the cemetery area in Rome, was largely made possible thanks to aristocratic donations, clerical donations, and income from imperial donations.[92] The regulation and registration of so much wealth, which texts of the time refer to as *facultates pauperum* of a church 'Mother and nurturer of the poor', entailed increased activity of the *scrinium* and a specialisation of its personnel.

The proclamation of papal primacy, with the consequent exercise of an extended jurisdiction of the Roman See, also entailed extra work for *exceptores* and *notarii*. The role of the bishop of Rome as judge with a court of bishops, which Emperor Gratian designed according to the civil model of the appeal to the Prefect of Praetorium in response to the synod of 378, could only be exercised through *exceptores* and *notarii*. They were to produce the acts proving the sentences pronounced in the presence of the incriminated bishops, to send them to the Roman administration. As required by the synodal order of 378, the *vicarius* was to be instructed by the emperor to proceed with the expulsion of bishops condemned by synodal judgement.[93] The first Roman papal Curia had been created. All this is well known. I would like to conclude, however, by reiterating that clerics and laymen, engaged in recording, stamping, and archiving such documentation, would not have been able to carry out work of so high responsibility if they had not been able to make use of a *scrinium* already in formation, equipped with one or more archives and a library.

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91 Not all scholars agree that Damasus imprinted an incredible rhythm of construction within the *Urbs* through the establishment of *tituli* and new churches, as Pietri, Roma Christiana, 29–58 believed: M. Löx, *Monumenta sanctorum: Rom und Mailand als Zentren des frühen Christentums: Märtyrerkult und Kirchenbau unter den Bischöfen Damasus und Ambrosius* (Wiesbaden: 2013).

92 On the monumentalization of many cemetery areas in the Roman suburbs: V. Fiocchi Nicolai, *Strutture funerarie ed edifici di culto paleocristiani di Roma dal IV al VI secolo* (Città del Vaticano: 2001); U. Reutter, *Damasus, Bischof von Rom* (*366–384*) (Tübingen: 2009). A good synthesis is in M. Ghilardi, "*Tempore quo gladius secuit pia viscera matris*: Damaso, i primi martiri cristiani e la città di Roma", in G. Pilara and M. Ghilardi (eds.), *La città di Roma nel pontificato di Damaso* (*366–384*)*: Vicende storiche e aspetti archeologici* (Rome: 2010), 99–186.

93 Pietri, Roma Christiana, 743; Lizzi Testa, *Senatori, popolo, papi*, 170–181.

CHAPTER 4

# *Ex codicibus et ex antiquis polypticis scrinii Sanctae Sedis Apostolicae*: Canonical Collections and Archives of the Church of Rome in Antiquity

*Dominic Moreau*

## 1 Introduction

We cannot understand the development of the temporal power of the bishop of Rome without considering the history of his ability to establish rules that would be accepted by other Churches as part of the canonical corpus; in short, his capacity to 'legislate', obviously with all the nuances that can be brought to this term at the period that interests us here.[1] To study and understand the phenomenon in Antiquity, this means not only to consider all narratives that relate the actions resulting, directly or indirectly, from such a power and the texts (mainly legal and conciliar) recognizing the so-called 'capacity,' but also – and this is even more important – to analyze the whole papal epistolary

1 This chapter is a short version of what can be read on the topic in D. Moreau, De rebus exterioribus: *Recherches sur l'action temporelle des évêques de Rome, de Léon le Grand à Grégoire le Grand (440–604). Sources et approches* (PhD. Dissertation, Université Paris-Sorbonne: 2012). Pending its publication in the Millenium-Studien series (De Gruyter), some of the results regarding the origin of the introduction of ancient papal letters into canon law are summarized in: D. Moreau, "*Non impar conciliorum extat auctoritas* : L'origine de l'introduction des lettres pontificales dans le droit canonique", in J. Desmulliez, J-C. Jolivet and C. Hoët-van Cauwenberghe (eds.), *L'étude des correspondances dans le monde romain de l'Antiquité classique à l'Antiquité tardive: Permanences et mutations. Actes du XXX^e Colloque international de Lille, 20–21–22 novembre 2008*, UL3 – travaux & recherches (Villeneuve d'Ascq: 2010), 487–506; D. Moreau, "Les actes pontificaux comme sources des historiens et des chroniqueurs de l'Antiquité tardive", in P. Blaudeau and P. Van Nuffelen (eds.), *L'historiographie tardo-antique et la transmission des savoirs*, Walter de Gruyter, Berlin and Boston, 2015 (Millennium-Studien. Studien zu Kultur und Geschichte des ersten Jahrtausends n. Chr. – Millennium Studies 55), 23–53; D. Moreau, "Inventaire, origine et objets des florilèges patristiques dans les collections canoniques et dans la littérature pontificale de l'Antiquité", in S. Morlet (ed.), *Lire en extraits : Histoire de la lecture et de la production des textes, de l'Antiquité à la fin du Moyen Âge*, Cultures et civilisations médiévales 63 (Paris: 2015), 281–307. The author takes the opportunity of this first note to give a special thanks to the École française de Rome, where he was a visiting scholar for a period of 10 months (09/01/2022–06/30/2023) when these lines were written.

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production, even the fakes, that has come down to us, from the oldest letters to, at least, Gregory I the Great (590–604), as well as all the means of dissemination and reception of this documentation up to the Gregorian Reform (eleventh–twelfth centuries). In the absence of actual archives that have come down to us, apart perhaps from a few scattered fragments, this is the only way to learn a little more about the organization of the Roman *scrinium* and its *bibliothecae* before the Middle Ages. The constitution of archives and associated offices is a special historical moment for the ancient Churches, in particular for that of Rome, since this is when they really formalize their institutional dimension, which is also an important step in the affirmation of their temporal existence and presence among the "City of Man" (to paraphrase Augustine of Hippo).

Several proposals have been made so far by scholars concerning the configuration of the ancient archives of the Roman Church, but the majority of these attempts at reconstruction are generally part of a process of searching for the origin of the medieval form of the archives of the same Church, which leads these scholars to transpose to ancient times a reality that is not clearly attested there. If it is clear that some choices in this matter made in Antiquity persisted during the Middle Ages, nothing in the sources proves that the medieval model is in total and direct continuity with the previous ones. The only valid method for studying a reality belonging to Antiquity is not to start from the medieval sources, but from the ancient ones, by bringing together the testimonies of the archives of the Church of Rome that can be found in the ancient canonical collections, mainly the notes of the papal chancery, in order to assess the information that they give us on the *scrinium* and the *archiva*, without prejudging the form which they may have had. To correctly position ourselves in this perspective, it is necessary to go over various theories concerning the nature of the documents that were kept in these offices, by simply recalling what they offer and where they come from.

## 2 The Main Theories about the Ancient Archives of the Roman Church

Even if the exact nature and form of its archives are unknown to us – the older the period, the greater the mystery – there is absolutely no reason to believe that the Roman *episcopium* did not seek to establish, from its creation, one or more collections of its records, at least to preserve the sacred and liturgical texts as well as the most important patristic writings. From the earliest stage, administrative documents such as title deeds also had to be collected in

specific places, perhaps on the same shelves as the above-mentioned books, *viz.* in what today we would call libraries, at least before the establishment of a real archival repository. The distinction between libraries and archives is not at all obvious in the context of the ancient Roman Church and so we cannot study one without the other.

According to the *Liber pontificalis*, it was Julius I (337–352) who implemented the first systematic archiving policy.[2] To this testimony, written two centuries after the events described (because the first version of the *Liber pontificalis* is not earlier than the very first years of the sixth century)[3] some add that the presence of chancery notes in some of Liberius' (352–366) letters, which will be analysed below, demonstrates that the copies of acts had already been collected in the form of registers from his pontificate. However, that contention is far from universally accepted, even among supporters of the existence of such an archiving method of the papal acts during Antiquity.

In reality, the archives and libraries of the Roman See are not clearly mentioned by contemporary sources before the accession of Damasus I (366–384), as will be shown. It is therefore difficult to affirm anything for the years preceding 366, especially since we have no original ancient pontifical documents today. The fragility of papyrus, which was, without doubt, the main writing medium, condemned some of them in advance. History and its vagaries, perhaps also some administrative changes, took care of the rest, so that the oldest original Roman document which is currently kept in the Vatican Apostolic Archive is a recension of the *Liber diurnus* datable to the end of the eighth or early ninth century.[4]

To add to the difficulty, no source precisely describes the composition of the old *chartarium* or the classification methods that the pontifical notaries of Antiquity had developed for the archiving of documents. The speculations of historians, paleographers, and philologists are, however, not lacking. A real

2 *Liber pontificalis*, 36.3, ed. Mommsen.

3 For a summary of the most accepted hypotheses regarding the composition of the *Liber pontificalis*, see D. Moreau, "Les actes épiscopaux romains dans l'hypothétique partie la plus ancienne du Liber pontificalis", in T. Deswarte, K. Herbers, and C. Scherer (eds.), *Frühmittelalterliche Briefe: Übermittlung und Überlieferung* (*4.–11. Jahrhundert*) / *La lettre au haut Moyen Âge : Transmission et tradition épistolaires* (*IV^e–XI^e siècles*), Beihefte zum Archiv für Kulturgeschichte 84 (Cologne – Weimar – Vienna: 2018), 221–233. Between the production of this paper and the publication of the volume, a new theory based on philological arguments, by Andrea Verardi, has gained some notoriety. See A. Verardi, *La memoria legittimante: Il* Liber pontificalis *e la chiesa di Roma del secolo VI*, Nuovi studi storici 9 (Rome: 2016). For now, however, Louis Duchesne's reconstruction remains the most accepted.

4 Vatican City, Archivum Apostolicum Vaticanum, *Miscellaneorum Armaria*, XI.19. For the critical edition of this manuscript, see *Liber diurnus*, ed. Foerster.

debate has even been raging between two 'schools' for more than a century: the supporters of a mode of archiving by registers and the opponents of such a theory. Although the dispute has tended to fade in recent years, the problem is far from having lost its importance, even more in the current era, when the publication of sources from Late Antiquity and from the High Middle Ages, in the original language or in translation, has never aroused so much interest.

In this situation, the ideal would be that the editors and translators of papal epistles should not ignore the controversy, since their editorial choices could be interpreted as a sign of belonging to one of the two camps. This is because the ancient papal letters were not collected as literary works before the invention of the printing press, but only as normative sources with a canonical claim. Full *corpora* of authors which are arranged and numbered according to chronology do not correspond in any way to the manuscript tradition. Unfortunately, this is the method that generally prevails today, because it is the most practical for historians who are not specialists in canonical collections, and, thus, the only profitable method for publishing houses, since a biography of the pope/author is often added along with his other writings.[5]

Again, these handy compendiums of sources are more than useful to scholars and students. However, it must be recognized that they contribute to the persistence of the idea that chronological registers, on the model of the editions of Gregory the Great's epistolary corpus, existed from Antiquity in the archives of the Roman Church. Even for Gregory we are sure of nothing. Indeed, we have no testimony of any use of the word *registrum* as papal archives before the end of the eighth century, and that *Registrum epistularum* is most probably the title of a very specific not-at-all-exhaustive canonical collection of Gregory's letters, the so-called *Collectio R*, compiled, most probably in Rome, at the time of Pope Adrian I (772–795).[6] Either this title was inspired

5 For recent examples: Celestine I, *Epistulae*, trans. Gori; Julius I, *Epistulae*, trans. Thompson; *Vetustissimae epistulae Romanorum pontificum. Die ältesten Papstbriefe*, trans. H.-J. Sieben, Fontes christiani 58 (Freiburg im Breisgau – Basel – Vienna: 2014–2015). For a notable exception, proposing a thematic and not chronological classification of papal letters in translation, see Gelasius I, *Epistulae*, trans. Neil and Allen.

6 D. Moreau, "Deux notes sur l'utilisation du terme *rege(/i)st(r)um* pour désigner les recueils d'actes pontificaux antiques", in S. Gioanni and P. Cammarosano (eds.), *La corrispondenza epistolare in Italia, 2: Forme, stili e funzioni della scrittura epistolare nelle cancellerie italiane (secoli V–XV) – Les correspondances en Italie, 2: Formes, styles et fonctions de l'écriture épistolaire dans les chancelleries italiennes (V^e–XV^e siècle)*, Centro Europeo di Ricerche Medievali. Atti, 6, Collection de l'École française de Rome 475 (Rome: 2013), 87–95. On the so-called *Collectio R*, see the references given in: *ibidem* 88, n. 7.

by the format of the papal archives at the time, or it was the name and form of this canonical collection that inspired subsequent practices.[7]

Obviously, this observation is less attractive than the theory of a system of registers going back to Antiquity, which would make the Church of Rome an ecclesiastical institution organised as a quasi-state from the Roman period. But who is behind this theory? Even if it was probably spreading from the end of the 8th century, it was really implemented only during the Gregorian Reform, more precisely with the register of Gregory VII (1073–1085).[8] This register is the first authentic papal epistolary archive to have come down to us in the form of a collection of documents arranged by *indictiones*, while bearing the title of *Registrum*. We have no written proof of this, but Gregory VII was most probably relying then on the impression he had of the pontificate of his illustrious homonymous predecessor, an impression that had been circulating since the time of Adrian I.

There is no need here to recount the whole story of the construction of the temporal power of the Roman Church, but it is clear that, from an archival point of view, the great turning point is the reign of Innocent III (1198–1216), who systematized and normalized chancery practices. In the perspective of the identification of the form of the papal archives in Late Antiquity, the context both of contestation and increase of the secular authority of the Pope after the Western Schism (1378–1417) certainly played a greater role. The formation of real Papal States centralized around the city of Rome led to challenges against the papal power, the first among them being the *De falso credita et ementita Constantini Donatione declamatio* by Lorenzo Valla.[9] It also led to an effort to strengthen institutions, in particular, the creation of the Apostolic Library in 1475, and later, the creation of the Secret Archives in 1612. This State creation was accompanied by a new papal interest in the ancient history of the Church of Rome and its sources. It was at the request of the Roman Curia that Platina rewrote the *Liber pontificalis*, that Onofrio Panvinio produced an epitome

7 The first datable attestation of the term *register* applied to a papal epistolary archive seems to be found in a letter from Adrian I. See *Codex Carolinus* 97 [95], § 2, ed. Gundlach = K. Herbers (ed.), with W. Könighaus and T. Schlauwitz, *Regesta pontificum Romanorum ab condita Ecclesia ad annum post Christum natum MCXCVIII edidit Philippus Jaffé, 2: (Ab a. DCIV ad a. DCCCXLIV)*, 3rd ed. (Göttingen: 2017) nº 4572 (Adrian I, *Epistulae*, 36).

8 Vatican City, Archivum Apostolicum Vaticanum, *Registra Vaticana*, 2. For the critical edition, see Gregory VII, *Registrum epistularum*, ed. Caspar. For precision, the *Registrum Vaticanum 1*, which is commonly known as John VIII's (872–882) *Register*, never bore such a title and was never qualified as such in the sources. Again, it is a canonical collection and not an archive. For the critical edition, see John VIII, *'Registrum epistularum'*, ed. Caspar.

9 Critical edition: Lorenzo Valla, *De falso credita et ementita Constantini Donatione*, ed. Setz.

of pontifical history which prevailed until the nineteenth century, and that Cesare Baronio published his *Annales ecclesiastici*, all emphasizing the antiquity of the Church and its practices.[10] We can also mention Giovanni Andrea Bussi's edition of Leo I the Great's sermons from 1470, which is one of the very first books to be printed in Rome, or Antonio Carafa and Antonio d'Aquino's edition of ancient papal letters of 1591.[11] Upstream of this phenomenon, before printing was definitively established, we observe some adaptation of old works to the new reality. An example is Ildefonsus of Toledo's *De virorum illustrium scriptis* in an augmented version of the fourteenth or fifteenth century, to the beginning of which was added a twelfth-century corrupted edition of Isidore of Seville's short biography of Gregory of Great, mentioning its register.[12]

Relying on what was then seen as the only possible explanation, nineteenth-century specialists in the history of the papacy and in diplomatics, starting with Giovanni Battista De Rossi (1822–1894) and Harry Bresslau (1848–1926), endeavored to demonstrate through the sources that the acts of the Roman See would have been preserved since Antiquity in collections of a nature more or less similar to the Roman civil *gesta*, principally the *commentarii principum*, at the earliest from the fourth century.[13] Before Gregory the Great, they suggest

10 Original editions: Onofrio Panvinio, *Epitome pontificum Romanorum a S. Petro usque ad Paulum IIII. Gestorum* (*videlicet*) *electionisque singulorum, & Conclauium compendiaria narratio*. Cardinalium item nomina, dignitatum tituli, insignia legationes, patria & obitus (Venice, Jacopo Strada: 1557); Cesare Baronio, *Annales ecclesiastici* (Rome, Typographia Vaticana: 1588–1607).

11 *Leonis magni papae sermones et epistolae*, ed. Giovanni Andrea Bussi (Rome, Giovanni Filippo La Legnamine: 1470 [*editio princeps*]); *Epistolarum decretalium summorum pontificum*, ed. Antonio Carafa and Antonio d'Aquino (Rome, Giorgio Ferrari: 1591). On the fact that the first edition of Leo's sermons was published by Giovanni Filippo De Legnamine and not by Konrad Sweynheym and Arnold Pannartz, see P. Scapecchi, "An example of printer's copy used in Rome, 1470", *The Library. The Transactions of the Bibliographical Society. Sixth Series* 12 (1990), 50–52; D. Moreau, "Notes pour servir de complément à la « nouvelle édition » du *Tome à Flavien* (E. Schwartz et E. Mühlenberg, in *CCCOGD* 1 [2006], 127–132)", *Cristianesimo nella storia* 29/2 (2008), 501–502.

12 Pseudo-Ildefonsus of Toledo, *De virorum illustrium scriptis, appendix*, ed. von Dzialowski; *El « De viris illvstribvs » de Ildefonso de Toledo. Estudio y edicion critica*, ed. and trans. C. Codoñer Merino, Acta Salmanticensia. Filosofia y letras 65 (Salamanca: 1972), 23–30.

13 G.B. De Rossi, "La biblioteca della Sede apostolica ed i catalogi dei suoi manoscritti", *Studi e documenti di storia e diritto* 5 (1884), 338–339 (reprint, *La biblioteca della Sede apostolica ed i cataloghi dei suoi manoscritti – I Gabinetti di oggetti di scienze naturali, arti ed archeologia annessi alla Biblioteca vaticana* [Rome: 1884], 26–27); H. Bresslau, "Die Commentarii der römischen Kaiser und die Registerbücher der Päpste", *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Romanistische Abtheilung*, 6 [19] (1885), 242–260; G.B. De Rossi, *De origine historia indicibus scrinii et bibliothecae Sedis apostolicae*, in H. Stevenson (ed.) with G.B. De Rossi, *Codices Palatini Latini Bibliothecae Vaticanae*, I, Bibliothecae apostolicae

that the notaries of the Roman Church recopied the papal letters in actual registers, and that we have traces of them in the *Collectio Ratisbonensis*[14] and *Collectio Grimanica*[15] for Leo I the Great (440–461), in the *Collectio Auellana*,[16] for Hormisdas (514–523), and/or in the first part of the *Collectio Britannica*[17] for Gelasius I (492–496), and Pelagius I (556–561). Karl Silva-Tarouca (1883–1958 – known as Carlos da Silva-Tarouca from 1939) is the one who has taken the hypothesis the furthest, speaking of polyptych-registers organized, not chronologically, but according to the status of the recipients.[18] In truth, all of these interpretations are biased because they result from reading with a mediaeval eye to interpret canonical collections produced in very different contexts, without taking into account the contribution of their compilers or of their time of compilation, as if the original source necessarily conditioned the entire work of compilation.

In opposition to the defenders of the existence of registers in the papal archives of Antiquity, a second school formed, especially around the work of Wilhelm Maria Peitz (1876–1954). It must be admitted that his theories did not necessarily convince a large number of scholars, but they cast great doubt

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Vaticanae codices manuscripti recensiti [1] (Rome: 1886) xlviii–l (reprint, *De origine historia indicibus scrinii et bibliothecae Sedis apostolicae. Ex tomo I recensionis Codicum Palatinorum Latinorum Bibliothecae Vaticanae* [Rome: 1886] xlviii–l); H. Bresslau, *Handbuch der Urkundenlehre für Deutschland und Italien*, I (Leipzig: 1889), 91–95.

14 Rome or Venetia-Istria?, between 540 and the end of the sixth century. See *Collectio Ratisbonensis*, ed. K. Silva-Tarouca.

15 Venetia-Istria [Verona or Udine]?, between 566 and the second half of the ninth century [end of the sixth century?]. See *Collectio Grimanica*, ed. E. Schwartz.

16 Rome or Vivarium?, after 553 for the final version, from earlier Roman archetypes of the very end of the fifth and the first decades of the sixth century. See *Collectio Auellana*, 105–244, ed. O. Günther. For successive stages of the *Auellana*, see D. Moreau, "Le processus de compilation des collections canoniques italiennes pendant l'Antiquité", *Cristianesimo nella storia* 38/1 (2018), 70 (to be preferred to the English version on this point, because it proposes an earlier state of the stemma, *viz.* prepared before the finalisation of the study, even if published some months after the French original: "The compilation process of Italian canonical collections during Antiquity", in R. Lizzi Testa and G. Marconi (eds.), *The Collectio Avellana and its Revivals* [Newcastle upon Tyne: 2019], 368).

17 Rome?, end of the eleventh century. No complete critical edition of the *Collectio Britannica* currently exists. For an inventory of its contents, see P. Ewald, "Die Papstbriefe der Britischen Sammlung", *Neues Archiv der Gesellschaft für ältere deutsche Geschichtskunde* 5 (1880), 275–414 and 503–596. About the origin of Gelasius' and Pelagius' letters in it, regarding the theory of the papal registers, see Moreau, "Deux notes", 96–102.

18 Presented in several successive studies and editions of sources, his theory is the most developed in: K. Silva-Tarouca, "Nuovi studi sulle antiche lettere dei papi", *Gregorianum. Commentarii de re theologica et philosophica* 12 (1931), 420–425 (reprint, *Nuovi studi sulle antiche lettere dei papi* [Rome: 1932], 128–133).

on all the contributions of his predecessors, so much so that we are now in a situation where almost no one wants to take a position. It was while working on Gregory VII's *Registrum* that he took an interest in the papal archives of Gregory's predecessors, mainly those of Gregory the Great.[19] This led him to work not only on the latter's corpus, but also on the *Liber diurnus* and on the canonical collections of Dionysius Exiguus.[20] According to W.M. Peitz, the archives of the Roman Church in the first millennium were not composed of registers, but rather of dossiers bringing together documents of different kinds, which were not necessarily filed in chronological order.[21] In particular, these dossiers would have included leases, accounts, lists of appointments as well as, more importantly in our case, epistolary and synodal minutes, raw or corrected.

## 3 The Earliest Direct Testimonies to the Archives

After 140 years, if not more, of continuous work and theories on the nature of the archives of the Church of Rome in Antiquity, we are entitled to wonder what more can be said on the topic. Neither of the above-mentioned hypotheses can be proven and only their respective weaknesses can be pointed out. There would be no point in doing that here. It seems preferable to reconsider the whole problem from the beginning, by trying not to transpose the medieval situation onto Antiquity, but by presenting only the information that we have in the most objective way possible. For that, it is necessary to review the sources before the first mention of the term *registrum* as applied to the papal archives, therefore before Adrian I.

19 *Das Originalregister Gregors VII. im Vatikanischen Archiv* (*Reg. Vat. 2*) *nebst Beiträgen zur Kenntnis der Originalregister Innozenz' III und Honorius' III.* (*Reg. Vat. 4–11*), Sitzungsberichte der Kais. Akademie der Wissenschaften in Wien. Philosophisch-Historische Klasse 165/5 (Vienna: 1911); *Das Register Gregors I. Beiträge zur Kenntnis des päpstlichen Kanzlei- und Registerwesens bis auf Gregor VII*, Ergänzungshefte zu den Stimmen der Zeit. Zweite Reihe: Forschungen 2 (Freiburg im Breisgau: 1917).

20 To mention monographs only (because he also published many papers on these topics): *Liber diurnus. Beiträge zur Kenntnis der ältesten päpstlichen Kanzlei vor Gregor dem Großen, 1: Überlieferung des Kanzleibuches und sein vorgregorianischer Ursprung*, Kais. Akademie der Wissenschaften in Wien. Philosophisch-Historische Klasse. Sitzungsberichte 185/4 (Vienna: 1918); *Liber diurnus. Fides Romana, 1: Das vorephesinische Symbol der Papstkanzlei*, Miscellanea Historiae Pontificiae 1 (Rome: 1939); *Dionysius Exiguus-Studien. Neue Wege der philologischen und historischen Text- und Quellenkritik*, ed. H. Foerster, Arbeiten zur Kirchengeschichte 33 (Berlin: 1960).

21 Peitz, *Dionysius Exiguus-Studien*, 441–488.

Giovanni Battista De Rossi sees in the *Muratorian Fragment* a kind of a catalogue of the "sacred archives" of the Roman *episcopium* at the time of Pius I (ca. 140–154), but, obviously, this cannot be proven.[22] Furthermore, the *Liber pontificalis* relates that Popes Clement I (ca. 92–99), Anterus (235–236) and Fabian (236–250) asked ecclesiastical notaries to compile the stories of the martyrs.[23] The *Constitutum Silvestri* stipulates that the notaries did the same under Sylvester I (314–335).[24] Dating from the beginning of the sixth century, the papal "chronicle", such as the false minutes of the so-called *Constitutum*, constitute sources too posterior to the imaginary events they recount for us to have blind faith in the administrative details described. Nevertheless, they suggest that certain acts of martyrs preserved in Rome during the 500s were then considered very old. They may not date back to the first century, but could very well date to the third century.

Actually, there is no datable attestation of the existence of archives of the Roman Church prior to the accession of Damasus I. It is indeed between the third and fourth quarters of the fourth century that we find the first one to three mentions of documentary archiving within the Roman Church. I say 'one to three mentions' because two of the attestations are not certain. The only sure one, even if not explicit, is a letter from Basil of Caesarea sent around 376 to a certain Patrophilus, bishop of Aegaean Cilicia, in which the version of the Nicene Creed, supposedly preserved then in Rome, is questioned.[25]

The other mentions are a famous epigram by Damasus himself, which has prompted some scholars to propose placing the ancient papal archives at San Lorenzo in Damaso,[26] and the formula of abbreviation of the subscriptions to the synod of Antioch of 379, which we find at the very end of the third piece of the *Collectio Theodosii diaconi* ([Northern] Italy?, before the seventh century for its main core).[27] The formula avoids copying the names of 146 Eastern bishops and is content to say that we can find the authentic document *hodie in archivis Romanae Ecclesiae*. For the epigram of Damasus, the traditional reading is not certain, because the inscription has only reached us in a mediaeval manuscript copy in which we can read *archibis*, for which some scholars

22 *Canon Muratori*, ed. and trans. Sakkos; De Rossi, *La biblioteca* 331 (reprint 19); De Rossi, *De origine historia,* xii–xiii.

23 *Liber pontificalis*, 4.2, 20.2 and 21.2, ed. Mommsen.

24 *Apocrypha Symmachiana, Constitutum Silvestri, recensio prima*, 25–26 = *recensio secunda*, 24–25, ed. and trans. Wirbelauer.

25 Basil of Caesarea, *Epistulae*, 244.5.22–26, ed. and trans. Courtonne.

26 Damasus I, *Epigrammata*, 57.5, ed. Ferrua.

27 *Collectio Theodosii diaconi*, 3.5.§ 9, ed. Field.

propose to read not *archivis*, but *arcubus*, *arcis hic* or *arcibus his*.[28] For the formula of abbreviation, it is impossible to affirm that it dates from the time of Damasus rather than from the composition of the canonical collection. We have a similar situation for the second recension of the *collectio canonum* of Dionysius Exiguus in the sixth-century *Collectio Lugdunensis* (Rhône Valley [Arles]?, after 550), which ends with *Expliciunt canones ecclesiastici ex scrinio Ecclesiae Romanae translati*, without it being known whether this is an indication of a real source or an invention of the compiler.[29]

Considering, however, the vagueness of the reference in Basil, the oldest direct and perfectly datable reference to the records of the Church of Rome is the mention of the *chartarium* in the *Apology against Rufinus* which Jerome of Stridon published in 402.[30] As we also know from one of his letters to the noble widow Ageruchia of 409–410 that he was Damasus' secretary for official correspondence, we can suppose that the *chartarium* already existed during his stay in Rome, perhaps even that he participated directly in its organization or even in its creation.[31] At least it is certain that it existed at the beginning of the fifth century, as evidenced by the mention of the *archiva* of the Roman See in Innocent I's (401–417) letter to Rufus of Thessaloniki of 412.[32] The notion of *scrinium* applied to the Church of Rome is attested for the first time in a letter of Boniface I (418–422) sent to the same Rufus in 419,[33] while the *bibliothecae* of the same Church are not mentioned before the first half of the sixth century, in the biographies of Popes Hilarius (461–468) and Gelasius I (492–496) in the *Liber pontificalis*.[34]

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28 The bibliography on this issue is too extensive for us to dare to refer to a selection of studies, apart from the critical apparatus of Antonio Ferrua's edition. For the text of the Vatican manuscript, see *Inscriptiones christianæ urbis Romae septimo saeculo antiquiores*, *2/1*, ed. G.B. De Rossi (Rome: 1888), 13.23, p. 151.

29 See *Ecclesiae Occidentalis monumenta iuris antiquissima. Canonum et conciliorum Graecorum interpretationes Latinae*, *1*[*.2.3*], ed. C.H. Turner (Oxford: 1899–1939), 622, app. crit. *Explicit* Λ.

30 Jerome of Stridon, *Contra Rufinum*, 3.20, ed. Lardet.

31 Jerome of Stridon, *Epistulae*, 123.9, ed. Hilberg.

32 *Synodus Romana anni 531*, *Collectio* (*Ecclesiae*) *Thessalonicensis*, 5.41–43, ed. Silva-Tarouca = K. Herbers (ed.), with M. Schütz, *Regesta pontificum Romanorum ab condita Ecclesia ad annum post Christum natum* MCXCVIII *edidit Philippus Jaffé*, *1:* (*a S. Pietro ad a.* DCIV), 3rd ed. (Göttingen: 2016) nº 688 (Innocent I, *Epistulae*, 13).

33 *Synodus Romana anni 531*, *Collectio* (*Ecclesiae*) *Thessalonicensis*, 7+7b.22–31, ed. Silva-Tarouca = Herbers (ed.), with M. Schütz, *Regesta pontificum Romanorum* nº 784 (Boniface I, *Epistulae*, 4).

34 *Liber pontificalis*, 48.12 and 51.6, ed. Mommsen.

By this date, and as demonstrated later in the same century by the letters of Gregory the Great, there is no longer any doubt that the Roman See now had a real archival apparatus, with a permanent staff. However, some details still elude us: first of all, the place or places of archiving, as well as the exact nature of the documents archived (apart from the simple fact, of course, that there were necessarily martyrological, conciliar and papal documents) and their respective classification. The only elements to which one can cling in the papal texts are two mentions which form hapaxes: first, Boniface II's (530–532) request during the Roman Council of 531 to compare the then-quoted papal documents with the *ecclesiastici annales* of his Church;[35] second, Pelagius II's (579–590) assertion to the schismatic bishops of Istria in 585 or 586, that he found none of their canonical arguments against the condemnation of the Three Chapters in the *codices* and the *antiqua polypticha* kept in the Roman *scrinium*.[36]

According to K. Silva-Tarouca, it was by comparing the mention of Pelagius II with the images of the *Notitia dignitatum*, in particular those of the *magister scriniorum*, that he came to the hypothesis of the polyptych-registers, the *codices* gathering the letters received by the bishops of Rome, as well as other non-papal documents stored in the archives, while polyptychs would refer to the recorded form of letters issued by the bishops of Rome.[37] Obviously, the imperial chancery could serve as a model, but only up to a point, because the structures were obviously not comparable in any way. K. Silva-Tarouca's hypothesis is even more discredited today as his interpretation of the *Notitia* images has not been accepted by specialists in the matter.[38] In truth, the

35 *Synodus Romana anni 531, actiones*, 1.51–52, ed. Silva-Tarouca = Herbers (ed.), with M. Schütz, *Regesta pontificum Romanorum* n° *1730; D. Moreau, "The Papal Appeal Court in the Sixth Century: The Example of the Roman Synod of 531", in R. Haensch (ed.) with F. Hurlet, K-L Link, S. Strassi, and A. Teichgräber, *Recht haben und Recht bekommen im Imperium Romanum. Das Gerichtswesen der Römischen Kaiserzeit und seine dokumentarische Evidenz. Ausgewählte Beiträge einer Serie von drei Konferenzen an der Villa Vigoni in den Jahren 2010 bis 2012*, The Journal of Juristic Papyrology. Supplements 24 (Warsaw: 2016), 392–393.

36 *Collectio de Schismate Aquileiensi* (*ex codice Parisino 1682*), [3].8, ed. Schwartz = Herbers (ed.), with M. Schütz, *Regesta pontificum Romanorum* no. 2054 (Pelagius II, *Epistulae*, 4).

37 Silva-Tarouca, "Nuovi studi", 420–425 (reprint 128–133). For publication of the miniatures of the *magister scriniorum* used by K. Silva-Tarouca (from the second series of the Munich, Bayerische Staatsbibliothek, *Latini*, 10291, sixteenth century, in which he identifies polyptychs in the upper part and *codices* in the lower part, see *Notitia dignitatum*, *Oriens*, 19.1, and *Occidens*, 17.1, ed. Seeck.

38 What K. Silva-Tarouca identifies as polyptychs on the miniatures of the *magister scriniorum* can also be interpreted as a bookcase shelf in some versions of the image. See, for example, the Oxford manuscript (Bodleian Library, *Canonici Miscellanei*, 378, fifteenth

terminology used by Pelagius II could just as easily be a pictorial representation of the contents of the *scrinium*: for example, something as simple as *ex codicibus et ex antiquis polypticis* for "from the *codices* and [other] old books".

In view of recent research on ecclesiastical archives in the Early Church, the mention of the *annales ecclesiastici*, which has attracted less attention until now, seems more interesting. This recent research is that of Alessandro Bausi and Alberto Camplani on the ecclesiastical archives of the Church of Alexandria as the sources both to the earliest Ethiopic canonical collection known to us (Axum, second half of the fifth/beginning of the sixth century), and the sixth-century Italian *Collectio Theodosii diaconi* previously mentioned.[39] As they demonstrated, the ancient archives of the main Church of Egypt would have been arranged roughly chronologically and would have included documents of very different kinds, but all of canonical or disciplinary importance for the See of Alexandria. They would have been interspersed with narrative parts, giving to the whole the aspect of a local ecclesiastical history. Could we not imagine something similar for the ecclesiastical annals of the Church of Rome mentioned by Boniface II? In the perspective of a composition of the *Liber pontificalis* as close as possible to the papal archives, this could be an even more interesting hypothesis, but nothing is less sure.

Nothing is less sure, because some of the pieces which the pontifical "chronicle" contains and which have traditionally been considered as copied from such archives, are not in fact copied from them.[40] These even include the list of donations from Constantine I in the life of Sylvester, this list most probably being a pure creation of the sixth century, from the time of Popes Symmachus and Laurentius (498–506/14).[41] In light of the information mentioned so far, a complete uncertainty therefore reigns over the form and nature of the archives

century) in *Notitia dignitatum*, *Oriens*, 19.1, ed. Neira Faleiro (in *Occidens*, 17.1), we clearly see *codicilli* in the upper part. It is therefore worth mentioning that the engraver who illustrated the *editio princeps*, most probably Christoffel Schweytzer, simply 'saw' *codices* in the now-lost *Codex Spirensis*. See *Notitia dignitatum*, *Oriens*, 19.1, ed. Hrubý z Jelení.

39 See, *inter alia*, A. Bausi and A. Camplani, "The *History of the Episcopate of Alexandria* (*HEpA*): *Editio minor* of the fragments preserved in the *Aksumite Collection* and in the *Codex Veronensis* LX (58)", *Adamantius. Annuario di letteratura cristiana antica e di studi giudeoellenistici* 22 (2016), 249–302.

40 For the papal letters quoted and mentioned in the *Liber pontificalis*, see Moreau, "Les actes épiscopaux romains".

41 D. Moreau, "Le *Libellus de munificentia Constantini* (*Liber pontificalis* XXXIV, 9–33), authentique ou fausse source d'histoire économique ?", in P. Blaudeau and V. Sarrazin (eds.), *Faux et usages de faux. L'historien face à la question de la crédibilité documentaire*, Histoire (Rennes: 2023), 107–134.

of the Roman Church in Antiquity. To go further in our investigation, it is necessary to use a completely different type of source, that is to say the canonical collections. Indeed, it has been regularly demonstrated, since the founding study by Pietro and Girolamo Ballerini, their *De antiquis tum editis, tum ineditis collectionibus & collectoribus canonum ad Gratianum usque tractatus in quatuor partes distributus*, that the arrangement of documents in the so-called chronological canonical collections was generally conditioned by that of the archives or libraries which served as their source.[42]

## 4 The Specific Interest of the Canonical Collections

As things stand now, it is impossible to identify with confidence which of the generally accepted Roman canonical collections from Antiquity were composed directly and only from the papal archives, even if we have some hints for some of them.[43] Quite exceptionally, however, we have first-rate information on the state of part of the documentation preserved by the Roman Church at the time of Pope Zosimus (417–418). At the origin of the famous 'Apiarius Affair', more precisely in 418, the African priest Apiarius wrote to Rome to appeal against his condemnation by his superiors, on the pretext of bad behavior.[44] What was initially supposed to be a completely banal case, took on an international scale, when Zosimus accepted the appeal, justifying his decision by referring to what he identified then as the Nicene canons. Already shocked by the fact that a simple cleric could thus have the attentive ear of the bishop of Rome, the African prelates were particularly astonished to find no justification for such an action in the decisions of the Council of Nicaea. This led them to investigate, requesting a copy of the relevant canons from Constantinople, Alexandria, and Antioch. It is in this context that Cyril of Alexandria sent copies from the archives of his Church to the West, which later were included in the so-called *Collectio Theodosii diaconi*. The results of the investigation: the

42 P. Ballerini and G. Ballerini, *Appendix ad Sancti Leonis Magni opera, seu uetustissimus codex canonum ecclesiasticorum, & constitutorum Sanctae Sedis Apostolicae,* [...] (Venice, Simone Occhi: 1757), i–cccxx (reprint, *Patrologiae cursus completus* [...]. *Series Latina* [...], 56, ed. J.-P. Migne [Paris: 1846], 11–354).

43 Moreau, "Le processus" 65–69 = *Idem*, "The compilation process" 363–367.

44 On the 'Apiarius Affair' and the related bibliography, see D. Moreau, "*Ut nullus ad Romanam Ecclesiam audeat appellare*. La réaction canonique de l'Église africaine aux affirmations de la primauté judiciaire romaine pendant les 5e et 6e siècles.", *Revue d'histoire ecclésiastique* 114/3–4 (2022), 502–511 and 516–521.

head of the Roman Church was wrong, as nothing in the Nicene canons gave him the right to do what he did.

Of course, there is nothing of this sort in the canons of Nicaea, but the right of appeal before the Roman episcopal court was well established in the 410s and the 420s, by the canons of Serdica.[45] So, Zosimus probably just confused the identity of the council, and this confusion may well be due to the organization of the archives of his Church. In many Latin canonical collections from Late Antiquity, we find a particular version of the canons of Nicaea and Serdica with an unbroken numbering, as if they were from a single series, all under the banner of a single council, that of 325. The source for all the versions that have come down to us is called either *Versio antiqua Romana* or *Vetus Romana* (not to be confused with the Latin Bible of course), and it is most certainly this source which misled the Bishop of Rome.[46] One can thus imagine that the two series of canons had been copied one after the other into a single codex, perhaps in archives/libraries organized in the form of an ecclesiastical history, as in Alexandria. This very last point is a pure hypothesis, but the fact remains that we therefore know the arrangement of the archived version of the canons of Nicaea and Serdica within the Roman Church at the beginning of the fifth century.

We also know that there was an effort to correct the error after the humiliation and that other versions of the fourth century canons were subsequently produced for the Roman Church, as demonstrated in the preface to the second canonical collection of Dionysius Exiguus.[47] In parallel, we should note that

45 Moreau, "The Papal Appeal Court", 370–375; *Idem*, "*Ut nullus*", 497–502.

46 This *Versio antiqua Romana* or *Vetus Romana* left traces in the *Frisingensis prima* (Italy [Rome?], shortly after 495), *Quesnelliana* (Italy [Rome?] or Southern Gaul [Arles?], end of the fifth or beginning of the sixth c.), *Teatina/Chientensis uel Ingilramni* (Rome, shortly after 523, from an earlier Roman archetype of 501/6), *Laureshamensis* (Southern Gaul, shortly after 550), *Coloniensis* (Southern Gaul [Arles?], between the middle and end of the sixth century), *Sancti Mauri* (Southern Gaul [Narbonne or Arles?], end of the sixth century), *Wirceburgensis* (unknown [outside of Gaul], sixth or seventh century?), *Albigensis/Tolosana* (Southern Gaul [Arles?], between the middle of the sixth and the beginning of the seventh century) and *Burgundiana* (Northern Gaul, beginning of the eighth century) collections, and in the *Fragmentum Veronense ex codice LIX (57)* (Venetia-Istria [Verona?], between 566 and the end of the seventh century). On the manuscripts and bibliography related to these canonical collections, see L. Kéry, *Canonical Collections of the Early Middle Ages* (ca. 400–1140). A Bibliographical Guide to the Manuscript and Literature, History of Medieval Canon Law [1] (Washington: 1999).

47 Dionysius Exiguus, *Praefatio ad Hormisdam papam*, 4.20–25, ed. Glorie [Hormidas, *Epistulae*, 148].

we also have some information on what canonical matter the Roman archives did not contain, from a letter by Gregory the Great.[48] In that letter, he asserts that his Church does not possesses the *canones* and *gesta* of the Council of Constantinople of 381, because his Church does not recognize them. At the same time, he demonstrates that he knows their content, which proves that he had access to these documents in a less official way. This may be a good argument for separating the Roman canonical collections from Late Antiquity which would have been composed within the *scrinium* and those which had not been.

Obviously, the *archiva* and *bibliothecae* of the Roman See necessarily included other types of papal documents than conciliar material. For example, a copy of Arator's *Historia apostolica* could have been officially deposited in the *scrinium* in 544, according to its preface.[49] More certainly, the archives of the Church of Rome were necessarily keeping papal correspondence, at least its main pieces, in one way or another, and this from a relatively early period. To give two examples, Pope Liberius claims to be in possession of a letter from Alexander I of Alexandria to Sylvester I of Rome,[50] while Siricius claims to have access to the letters of the same Liberius.[51] There is a whole discussion on the form of the *superscriptiones* and *subscriptiones* of the archived epistles sent by the bishop of Rome, which will not be fully presented here, because it is intimately linked to the theory of the existence of registers since Antiquity. Let us just say that proponents of this hypothesis generally associate the versions of letters with bare minimum protocols as near to the archived copies, which leads them to identify which of the canonical collections have been composed from the archives. In truth, everything is more complex, because minimal protocols can be found in collections that are in no way connected with the Roman archive, while expanded protocols can be found in others that are Roman for sure, even those most probably linked to the Papal See.

48 Gregory I the Great, *Registrum epistularum*, 7.31.29–33, ed. Norberg = Herbers (ed.), with M. Schütz, *Regesta pontificum Romanorum* nº 2558.

49 Arator, *Historia apostolica*, *Epistula ad Parthenium*, 83–88; and *glossae*, *praefatio*, 21 and 38, and *epilogus*, 12, ed. Orbán.

50 Hilary of Poitiers, *Excerpta ex opere historico deperdito*, A.7.4.2, ed. Feder = Lucifer of Cagliari, *Epistulae* 5.103–104, ed. Diercks = Herbers (ed.), with M. Schütz, *Regesta pontificum Romanorum* nº 479 (Liberius, *Epistulae apud Hilarium Pictavensem*, 1). On Liberius' letters in Hilary's work, see Moreau, "Les actes pontificaux", 29–33.

51 Siricius, *Epistulae*, 1.1.2, ed. and trans. Zechiel-Eckes = Herbers (ed.), with M. Schütz, *Regesta pontificum Romanorum* nº 605.

The most certain of them, at least among those which have come down to us directly, is undoubtedly the *Collectio Novariensis de re Eutychis*, which is to be linked with the writing of *Tomus Flaviani* in 449, so it could very well be the work of Prosper of Aquitaine, while he was secretary to Leo the Great.[52] This supposition is all the more relevant since Prosper had previously offered the first systematic arrangement of papal decisions known to us, with his *Praeteritorum Sedis apostolicae episcoporum auctoritates de gratia Dei*.[53] One might even suppose that, in this way, he was no stranger to the composition of the lost collections called *Epistolae decretales* and *Canones urbicani*, which are the source of several Italian and Gallic collections for papal letters prior to Pope Leo.[54] In any case, none of these collections offers completely uniform protocols allowing us to establish a strict typology of archiving or to affirm whether or not they emanate directly from the *scrinium*.

Moreover, when a document is clearly presented as a copy of an archival holding, as is the case with the subscriptions to the synod of Antioch of 379 in the *Collectio Theodosii diaconi* or the recension of the *Dionysiana* in the *Collectio Lugdunensis*, we never know with certainty whether this is truthful. In some cases, it is not even known whether it is from the archives or from a library of the Church of Rome, as it is not specifically mentioned. For instance, between two letters of Pope Hormidas in the *Collectio Auellana*, the compiler added this note: *Gesta in causa Abundantii episcopi Traianopolitani in scrinio habemus*.[55] As it is certain that the letter of Pope Hormisdas before and that of Emperor Justin I after this annotation have nothing to do with the case, we can conclude that this is a trace of the classification of the archive used by the author of this part of the *Auellana*.[56] He was copying Hormisdas'

52 Rome?, 449? *Collectio Novariensis de re Eutychis*, ed. Schwartz.

53 Prosper of Aquitaine, *Praeteritorum Sedis apostolicae episcoporum auctoritates de gratia Dei*, ed. Ballerini and Ballerini + *Collectio Mutinensis*, 45.2–10, ed. Fornasari (Celestinus I, *Epistulae*, 21.3.4–13.15). On this little-studied *florilegium*, see, Moreau, "Inventaire", 294 and 303; *Idem*, "Le processus" 47 and 65 = *Idem*, "The compilation process" 343 and 363.

54 Moreau, "*Non impar conciliorum extat auctoritas*", 500–502; *Idem*, "Le processus", 47–48, 52 and 65 = *Idem*, "The compilation process" 342–343, 348, and 363. Still in favor of the establishment of archival practices at the time of Leo the Great, which have left traces in the canonical collections, see *Liber pontificalis*, 47.5, ed. Mommsen. This passage from the papal "chronicle" purports to describe the content of Leo's *archiva*, by following an arrangement of his letters which is not very far from that of the *Collectio Ratisbonensis*. This is one of K. Silva-Tarouca's main arguments for his theory of polyptych-registers, sorted according to the status of the recipients (cf. *supra*).

55 *Collectio Auellana*, *post* 240, ed. Günther.

56 *Collectio Auellana*, 240 [= Herbers (ed.), with M. Schütz, *Regesta pontificum Romanorum* nº 1654] and 241 [= T.C. Lounghis, B. Blysidu, and S. Lampakes, *Regesten der Kaiserurkunden*

correspondence when he found, between two letters, what is now interpreted as the acts of the Roman synod of 531. Some, like Henri Leclercq and Philippe Blaudeau, suppose that he was working directly in the archives of the Roman See; others, like Otto Günther, not necessarily.[57] It is certain, however, that the compilation was made in Rome.

It is through this kind of detail found in the canonical collections, notably the chancery notes, especially in the *Auellana*, *Quesnelliana* and *Ratisbonensis*, which are minor at first sight, that we can obtain additional information on the archives of the Church of Rome. The most common of these notes are all from the sixth century and not before: *et alia manu* and its derivatives, used to indicate the signature, generally on an incoming document; *a pari* or *a paribus*, used to abbreviate multiple recipients of a letter; as well as *epistula uniformis*, used to designate that a letter has been circulated to several recipients.[58] Until K. Silva-Tarouca contradicted this argument in the 1930s, the *epistula uniformis* which we would read in the lemma of Liberius' joint letter to Eusebius of Vercelli, Dionysius of Milan, and Lucifer of Cagliari of 355 was considered as a proof of the existence of registers during his pontificate.[59] However, the majority opinion now considers that mentions prior to the sixth century belong to a simple narrative process, mainly in historical works – Liberius' letter comes from Hilary of Poitiers' *Fragmenta historica* – and not to chancery habits.[60]

Even though regularly attested from the sixth century, these notes, like others (*et subscriptio* and its derivatives, *data ut supra*, etc.), are, however, in no way a guarantee that the document reproduces an officially archived text, because they may well have been the work of the compilers themselves, compilers who

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*des oströmischen Reiches von 476 bis 565*, Quellen und Studien zur Geschichte Zyperns 52 (Nicosia: 2005) nº 436], ed. Günther [Hormisdas, *Epistulae*, 139 and 145].

57 O. Günther, *Avellana-Studien*, Sitzungsberichte der Kais. Akademie der Wissenschaften in Wien. Philosophisch-Historische Classe 134/5 (Vienna: 1896), 63–67; H. Leclercq, "Chancellerie", in F. Cabrol and H. Leclercq (dir.), *Dictionnaire d'archéologie chrétienne et de liturgie, 3: Chaînage – Cyzique* (Paris: 1911–1914) 190; P. Blaudeau, "Un point de contact entre *collectio Avellana* et *collectio Thessalonicensis*? Autour du cas d'Abundantius de Démétrias", *Millennium.Jahrbuch zu Kultur und Geschichte des ersten Jahrtausends n. Chr. / Yearbook on the Culture and History of the First Millennium C.E.* 10 (2013), 1–11.

58 D. Moreau, "*Et alia manu* : Les notes non autographes dans les actes pontificaux antérieurs à 604", *Sacris erudiri. Journal of Late Antique and Medieval Christianity* 53 (2014), 235–262.

59 Hilary of Poitiers, *Excerpta ex opere historico deperdito*, B.7.1, ed. Feder; Lucifer of Cagliari, *Epistulae*, 8, app. crit. *VIII* 1, ed. Diercks; K. Silva-Tarouca, "Nuovi studi", 357–361 (reprint 65–69).

60 Moreau, "*Et alia manu*", 240–243.

were certainly familiar with chancery practices.[61] In fact, we have to turn to even more minor details, that is to say those which have attracted even less attention from the editors, to discover more explicit traces of the origin of the copied documents. One of them is a possible trace of numbering as *epistula tertia* of a letter of Innocent I to African bishops, which we discover in the *Auellana*.[62] We see there a trace of archives, since the qualifier of *epistola tertia* does not correspond strictly to anything for this canonical collection. By comparing with the *Quesnelliana* and the *Colbertina*, we see that this letter is included in a dossier of four documents all sent to Africa and all datable to 27th of January 417.[63] This has led O. Günther to assert that it was an extract from the archives of Carthage and not from Rome, which is a fragile conclusion, because not all the letters were sent to Carthage.[64] In any case, we have here another attestation of a system like that for the Nicaea-Serdica series, which was used to organise the documentation into thematic files, perhaps with specific numbering for each dossier. Hence the *epistola tertia* may indicate that the letters were numbered according to their place in the dossier, rather than in an exact chronological order.

## 5 Conclusion

As has been seen, the content, form, and arrangement of the archives of the Roman Church before Adrian I are truly enigmas. It would be really convenient and practical if there were perfect continuity between the time of Liberius and that of Gregory VII or, even, Innocent III, but that would be too easy. To continue to defend today the antiquity of the system of the registers is to indirectly take a position in favor of the creation of a papal state at a very early period, while denying, in some sort, the ingenuity and originality of the great reforming popes of the central Middle Ages. There is no question here of stigmatizing the scholars of the end of the nineteenth and the beginning of the twentieth

61 Moreau, "*Et alia manu*", 261–262.

62 *Collectio Auellana*, 41, *titulus*, ed. Günther = Herbers (ed.), with M. Schütz, *Regesta pontificum Romanorum* n° 710 (Innocent I, *Epistulae*, 31).

63 *Collectio Quesnelliana* VII, IX and XI–XII, ed. Ballerini and Ballerini = Herbers (ed.), with M. Schütz, *Regesta pontificum Romanorum*, n$^{os}$ 708–711 (Innocent I, *Epistulae*, 29–32). For the pieces in the *Colbertina*, see F. Maassen, *Geschichte der Quellen und der Literatur des canonischen Rechts im Abendlande bis zum Ausgange des Mittelalters*, *1* (Graz – Paris – Turin – Florence – Oxford: 1870), 540 (§ 648).

64 Günther, *Avellana-Studien*, 19–27.

century who proposed a history of ancient papal diplomatics. Their contribution to research is fundamental. But we need to reconsider the whole of this story in the light of the scientific advances made since the criticism of their theories, first by K. Silva-Tarouca, then by W.M. Peitz.

An in-depth analysis of ancient sources suggests that, even if the Church had had epistolary archives in the times of Liberius and Siricius, the pontificate of Damasus seems to have been a turning point, perhaps under the impulse of Jerome of Stridon. At least these archives, which may have initially been confused with what toady we would assimilate more to libraries, are well attested by the sources under Innocent I, first through words like *chartarium*, *archiva* and *scrinium*, perhaps also sometimes *bibliothecae*. The contents of these archives/libraries are not known in detail. We do know, however, that their *codices* and *polypticha* contained not only elements of the Roman bishops' correspondence, but also conciliar sources, at least those recognized by the Roman Church, literary works and, as the *Liber pontificalis* stipulates, acts of martyrs. Nothing has been said in this chapter about them, but we could also have mentioned liturgical and administrative documents, for example those related to the patrimony of the Roman Church.[65] Such a variety of documents, so different in their nature, necessarily required an organization by category of work, most probably in different places, but the creation of a library in the modern sense of the term, under Nicolas V (1447–1455), then of an archive, also in the modern sense, under Paul V (1605–1621), implies that such a classification most probably did not exist before, at least not at this level.

In addition, studies of the archives/libraries of other great churches of Antiquity show that solutions other than those that prevailed from modern times are possible, firstly an arrangement in the form of an ecclesiastical history, such as probably in Alexandria. In this sense, the mention of *ecclesiastici annales* by Boniface II may not be trivial. The pieces were perhaps arranged in thematic dossiers, with their own layout and numbering: at least that is

65 For the range of possible administrative documents of the patrimonies, including the so-called "polyptych" of Gelasius, see D. Moreau, "Les patrimoines de l'Église romaine jusqu'à la mort de Grégoire le Grand : Dépouillement et réflexions préliminaires à une étude sur le rôle temporel des évêques de Rome durant l'Antiquité la plus tardive", *Antiquité tardive. Antigüedad Tardía – Late Antiquity – Spätantike – Tarda Antichità. Revue internationale d'histoire et d'archéologie* (*IV^e–VIII^e s.*) 14 (2006), 79–93, and 15 (2007), 6. It should be noted, however, that this paper erroneously inverts the Roman synods of 501 and 502, relying on traditional dating, while it was corrected in E. Wirbelauer, *Zwei Päpste in Rom. Der Konflikt zwischen Laurentius und Symmachus* (*498–514*). *Studien und Texte*, Quellen und Forschungen zur antiken Welt 16 (Munich: 1993).

what the study of the canonical collections strongly suggests. Sometimes, the whole thing might have been interspersed with narrative parts, to link the dossiers to each other, as was the case in Egypt, but nothing is less certain. Thus, the *archiva* of the Late Antique Roman Church were perhaps simply closer to the mediaeval libraries that we know than the archives from the Gregorian Reformation. In these mediaeval libraries, the classification was conditioned simply by the order of acquisition of the documents and not by any effort of thematic classification. This could also be an explanation for the internal order of certain canonical collections, which could thus testify to the order of the archival holdings which served as their source.

# PART 2

## *Forming the Medieval Curia*

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CHAPTER 5

# "Time and Money": Regulating Appeals to the Roman Curia in the Second Half of the Twelfth Century

*Bruce Brasington*

Since the fourth century, appeal to Rome has been integral to the canon law.[1] During the twelfth century, it also dramatically increased.[2] The following chapter examines how the pope and curia responded by placing time limits and monetary thresholds on appeals. These procedural innovations attempted to maintain the balance between two concerns: open access to the curia and the need to regulate, even restrain, appeal.[3]

By 1150, appeal to the curia was supposed to unfold as follows.[4] After suspending the procedure,[5] a report followed, the *litterae dimissoriae*/*apostoli*.[6] Then the appellant or his proxy consulted with legal experts, either before travelling to the curia or on arrival,[7] to draft the formal appeal.[8] If accepted,

1 C.W.B. Stephens, *Canon Law and Episcopal Authority. The Canons of Antioch and Serdica* (Oxford: 2015), 140–145.

2 W. Litewski, "Appeal in the *Corpus Iuris Canonici*", *Annali di storia del diritto* 14/17 (1970/73), 155–156.

3 D.Bauer, "On the Historical Genesis of Legal Proceduralism", in E.J.M.F Broers, B.C.M. Jacobs, and R.C.H. Lesaffer (eds.), *Ius Brabanticum, ius commune, ius gentium: Opstellen aangeboden aan prof. mr. J.P.A. Coopmans ter gelegenheid van zijn tachtigste vejaardag* (Nijmegen: 2006), 209–219; D. D'Avray, *Medieval Religious Rationalities: A Weberian Analysis* (Cambridge: 2010), 21–23, 138 and n. 71.

4 Litewski, "Appeal", 197ff.

5 W. Uruszczak, "Juges délégués du pape et la procédure romano-canonique à Reims dans la seconde moitié du xii$^{e}$ siècle", *Tijdschrift voor Rechtgeschiedensis* 27 (1985), 30.

6 For civil law: Dig. 49.6.1–2. For Gratian, D 72 c. 1, 2 and C 2 q. 6 c. 31. See Litewski, "Appeal", 204–207.

7 P. Zutshi, "The Roman Curia and Papal Jurisdiction in the Twelfth and Thirteenth Centuries", in C. Andenna, K. Herbers, and G. Melville (eds.), *Die Ordnung der Kommunikation und die Kommunikation der Ordnungen.* vol. 2 *Zentralität: Papstum und Orden im Europa des 12. und 13. Jahrhunderts*, (Stuttgart: 2013) 221–222.

8 Dig. 50.16.106; also: https://www.perseus.tufts.edu/hopper/text?doc=Perseus:text:1999.04.0063:id=appellatio-cn accessed on 12 February 2022.

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a papal letter generally ordered judges-delegate to hear the case.[9] They also could sub-delegate the hearing and decision.[10]

Naturally, practice clashed with theory.[11] Appellants employed strategies of delay and deception.[12] They might gain enough time to get to Rome to plead their case first.[13] Forgery increased.[14] There was also the problem of venality at the curia.[15] Lengthy disputes and multiple appeals exacerbated the problem as well.[16]

Papal letters confronted these challenges by adding sanctions responding to the appeal.[17] By the middle of the twelfth century, the formula *appellatione remota* (and variants) were common.[18] Sometimes we find as well an additional charge to reject an *appellatio frustratoria* judged an attempt to end or delay the process.[19]

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9 J. Sayers, *Papal Judges Delegate in the Province of Canterbury 1198–1254: A Study in Ecclesiastical Jurisdiction and Administration* (Oxford: 1971), chapter 1, H. Müller, *Päpstliche Delegationsgerichtbarkeit in der Normandie* (*12. und frühes 13. Jahrhundert*), 2 vols. (Bonn: 1997), "Gesandte mit beschränkter Handlungsvollmacht: Zu Struktur und Praxis päpstlich delegierter Gerichtsbarkeit", in C. Zey and C. Märtl (eds.), *Aus der Frühzeit europäischer Diplomatie: Zum geistlichen und weltlichen Gesantschaftswesen vom 12. bis zum 15. Jahrhundert* (Zürich: 2008), 46–47.

10 A.J. Duggan, "Master of the Decretals: A Reassessment of Alexander III's Contribution to Canon Law", in P.D. Clarke and A.J. Duggan (eds.), *Pope Alexander III* (*1159–81*): *The Art of Survival* (Farnham: 2012), 379–380.

11 Gerhoch of Reichersberg, *De investigatione Antichristi*, 1.59, MGH Ldl 3.358. See A. Schioppa, "I limiti all' appello nelle decretali di Alessandro III", in Chodorow S. (ed.), *Proceedings of the Eighth Congress of Medieval Canon Law* (Vatican City: 1992), 403 n. 85, Müller, *Päpstliche Delegationsgerichtbarkeit*, 25–29.

12 S. Chodorow, "Dishonest Litigation in the Church Courts, 1140–98", in K. Pennington and R. Somerville (eds.), *Law, Church, and Society. Essays in Honor of Stephan Kuttner* (Philadelphia: 1977), 187–206; Müller, *Päpstliche Delegationsgerichtbarkeit*, 1.226–228.

13 Zutshi, "The Roman Curia", 223–224; C. Cheney, *From Becket to Langton: English Church Government 1170–1213* (Manchester: 1956, rp. 1965), 62–63.

14 Müller, *Päpstliche Delegationsgerichtbarkeit*, 1.142–43.

15 Cheney, *From Becket to Langton*, 67 and Zutschi, "The Roman Curia", 224 and n. 59.

16 Chodorow, "Dishonest Litigation", 188–189: Zutshi, "The Roman Curia", 215; D. Summerlin, *The Canons of the Third Lateran Council of 1179: Their Origins and Reception* (Cambridge: 2019), 76.

17 A. Schioppa, "La delega appellatione remota nelle decretali di Alessandro III", in A. Gouron and A. Rigaudière (eds.), *Renaissance du pouvoir législatif et genèse de l'État* (Montpellier: 1988), 179–188.

18 Litewski, "Appeal", 172 and *Der römisch-kanonische Zivilprozess nach den älteren ordines iudiciarii*, 2 vols. (Krakow: 1999) 1.109, also Schioppa, "*La delega appellation*", 184, Müller, *Päpstliche Delegationsgerichtbarkeit,* 17, 106ff, and A. Morey, C.N.L. Brooke, *Gilbert Foliot and his Letters* (Cambridge: 1965), 238–239.

19 Litewski, "Appeal", 179–180; also *Der römisch-kanonische Zivilprozess*, 49. Compare C 2 q. 6 d.p.c. 14. See Müller, *Päpstliche Delegationsgerichtbarkeit*, 1.259, also 227 and n. 37.

The popes also imposed time limits. There had been ample precedent for these in the classical civil law, which distinguished between appeals to another judge or to the emperor himself.[20] Gratian adopted the granting of a year for imperial appeals, extended to two at the judge's discretion. The popes did the same.[21] This period, however, covered only the time allowed for the appellant to arrive at court.[22] The stages of the appeal itself had varying times.[23] The *Theodosian Code* had limited it to five days after the sentence.[24] (Gratian: C 2 q. 6 c. 22). This elicited no decretist commentary.[25] A *Novel* of Justinian (Nov. 23.2) subsequently increased it to ten days.[26] (Gratian: C 2 q. 6 d.a.c. 28).[27] This attracted some canonists, but only in reference to the emperor.[28] Thirty days to obtain the *litterae dimissoriae*, increasing the total to forty, had also been present in the civil law.[29] (Cod. 7.62.24) (Gratian: C 2 q. 6 c. 41 §21 and d.p.c.41). The *Theodosian* (*Code* 11.30.32) (Gratian: C 2 q. 6 c. 41 and d.p.c. 41) required the judge or delegated arbiter to accept or reject the appeal within those thirty days.[30] In no instance did Gratian or the decretists specifically apply these to appeals to the curia. Papal letters, however, were a different story.

The letters declared that time began *post susceptionem litterarum nostrarum* ("after the reception of our letter") or through similar formulae.[31] Recipients were ordered to submit to judgment or travel to the curia.[32] Beginning with a letter of Pascal II to Bishop Gonsalvus of Coimbra, whom he ordered to render

20 A. Berger, *Encyclopedic Dictionary of Roman Law* (Philadelphia: 1953, rp. 1980), 435, Litewski, *Der römisch-kanonische Zivilprozess*, 509–510 and "Appeal", 149ff.

21 C 2 q. 6 c. 28§2. See also Alexander III to the Archbishop of Rheims (1 Comp. 2.20.5, JL 12020, X 2.28.5); A. Lefebvre-Teillard, "L'appel a gravamina", in Y. Mausen, O. Condorelli, F. Roumy, and M. Schmoeckel (eds.), *Der Einfluss der Kanonistik auf die europäische Rechtskultur: Prozessrecht* (Cologne, Weimar, Vienna: 2014), 292–293.

22 Litewski, "Appeal", 216.

23 Litewski, "Appeal", 210.

24 *Pauli Sententiarum*, 5.35.1, compare also 5. 39, both accessed at http://ancientrome.ru/ius/library/paul/int5.htm on 15 March 2022.

25 C 2 q. 6 d.p.c. 22: IV. Pars.

26 Nov. 23.2, Litewski, "Appeal", 205–206.

27 C 2 q. 6 d.a.c. 28.

28 For example, T.P. McLaughlin (ed.), *The Summa Parisiensis on the Decretum Gratiani* (Toronto: 1952), 109; S. Häring, K. Miethaner-Vent, and M. Petzolt eds.), *Magistri Honorii Summa De iure canonico tractaturus* (Vatican City: 2004–2010), 158–159.

29 Dig. 49.6, Berger, *Encyclopedic Dictionary*, 566; Litewski, "Appeal", 206.

30 *Codex Theodosianus* 11.30.32:§. 2; H.J. Becker, "Die Entwicklung der Appellation im kanonischen Recht: Von der klassischen Periode bis zur nachtridentinischen Epoche", *Beiträge zur Rechtsgeschichte Österreichs* (201) 13, accessed at Microsoft Word – 001-BRGÖ-2013-1-Titelei (austriaca.at) on 8 March 2022, also Litewski, "Appeal", 206.

31 Litewski, "Appeal", 201 and n. 287: Dig. 49.4.3 and C 2 q. 6 c. 29 §10.

32 For example, Pope John VIII, Ep. 18 (JE 3069).

obedience to his archbishop within forty days, we find it sometimes strengthened by *ex tunc*, further specifying when the period began.[33]

The letters of Pope Nicholas I to Archbishop Hincmar of Rheims concerning the deposition of Rothad of Soissons set for the first time a charge of thirty days. Hincmar had either to obey the papal command to restore Rothad, travel himself, or send a proxy to Rome.[34] In a letter of Pope Gregory VII to Bishop Rainerius of Orléans, forty days, the period established in the *Theodosian Code*, appears for the first time.[35]

A good example of the forty-day limit is in a letter of Alexander III to a canon of Rheims. The pope had delegated judges, the bishops of Senlis and Amiens, to settle a lay-clerical dispute. The priest had lost and was excommunicated. He then travelled to Rome, his opponent right behind him. The priest claimed the procedure had been irregular, with one bishop acting independently of the other; additionally, he asserted that judgment had not occurred within the mandated 40 days. The citizen countered that the excommunication had never been lifted. This would preclude appeal.[36] The pope set a new forty-day period. If a settlement could not be reached, the judges were to retry the case in its entirety.[37]

Thirty days for appeal, sanctioned by *appellatio remota*, appear for the first time in a letter of Pope Adrian IV to Bishops Balduin of Noyon and Henry of Beauvais. The pope responded to a cantor's complaint that the Count of Soissons had colluded with a layman and his wife to take his money and lands. Despite excommunication, fortified by interdict, justice still had not been served. Adrian ordered the bishops to bring him to court within thirty days of receiving the letter to compel full restitution. If he refused, the interdict should continue without possibility of appeal.[38]

As Danica Summerlin has recently noted, Alexander III's letter *Cum sacrosancta Romana ecclesia* "laid out much of the appeals process". Equally important was canon 6 of the Third Lateran Council, *Reprehensibilis valde*.[39] These also differed, for the canon did not allow appeal before the case had begun, something permitted by *Cum sacrosancta*.[40] Neither, however, specified time

33 Ep. 441, (JL 6474).
34 Nicholas I, Ep. 34 (JE 2053).
35 Gregory VII, Ep. 5.9, in E. Caspar, *Das Register Gregors VII* (Berlin: 1920–1923,) no. 360.
36 P.D. Clarke, *The Interdict in the Thirteenth Century. A Question of Collective Guilt* (Oxford: 2007) 252–253.
37 2 Comp. 2.15.3 (JL 9136).
38 Adrian IV, Ep. 217, (JL10479).
39 Summerlin, *The Canons*, 77.
40 Summerlin, *The Canons*, 76–77, also n. 19, Clarke, *The Interdict*, 103–104.

limits. In Alexander's other letters, however, a period of forty days is frequently found. These fixed the time for the delegated judges to conclude the dispute with further appeal removed. To give but one example, Alexander judged whether a certain R, a priest's son, was in fact chaplain in the church his father had served. The judge had forty days to ascertain the truth. There could be no subsequent appeal.[41]

One can discover even shorter periods. For example, Celestine III ordered the bishop of Senigallia to compel appellants to come to Rome within twenty days *ex tunc*.[42] If they did not comply and had no canonical excuse, then the bishop could judge the case with the right of appeal removed. Perhaps shorter limits indicated concern about cases deemed more pressing than others.

Such attention to time reflects a trend within the developing romano-canonical legal procedure.[43] As Emanuel Conte noted in reference to prescription, "lapse of time, then, had a real creative power at law".[44] The same holds true for these letters regulating the passage of time and limiting or denying subsequent appeal. Lengthy and complicated disputes prompted the creation of rules designed to speed their decision.[45] These rules aimed at greater efficiency though, as we shall see, they likely often did not achieve it.[46]

We turn from time to money. The first monetary limit on appeals to the curia appears in Gregory VIII's *Vel ex malitia* (1187), received into various early compilations and 1 Comp. 2.20.47, but not the *Liber Extra*[47] Overwhelmed by trivial and malicious appeals, the pope declares that only those involving disputes worth more than twenty marks could be sent to Rome. Lesser amounts must be tried within the archiepiscopal province.[48]

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41 P. Landau, "Rechtsfortbildung im Dekretalenrecht: Typen und Funktionen der Dekretalen des 12. Jahrhunderts", *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung* 86 (2000), 88. Compare also X 1.17.6.

42 2 Comp. 2.19.19. Some manuscripts give thirty days.

43 On prescription, R.H. Helmholz, "The Creation of a Canon Law of Prescription", in W. Krawietz, N. MacCormick, and G.H. von Wright (eds.), *Prescriptive Formality and Normative Rationality in Modern Legal Systems. Festschrift for Robert S. Summer* (Berlin: 1994), 265–283; d'Avray, *Medieval Rationalities*, 129.

44 E. Conte, "Lapse of Time in Medieval Laws", in H. Dondorp, D. Ibbetson, and E.J.H Schrage (eds.), *Limitation and Prescription: A Comparative Legal History* (Berlin: 2019), 89.

45 Litewski, "Appeal", 210–211.

46 Müller, "Entscheidung auf Nachfrage", 129.

47 JL 16056, 1 Comp. 2.20.47. See J. Ramackers (ed.), *Papsturkunden in Frankreich. Neue Folge, Bd. 2: Normandie* (Göttingen: 1937), 383–384, no. 290.

48 Gregory VIII, *Universis archiepiscopis*. (JL 16056, 1 Comp. 2.20.47); W. Holtzmann, "Die Dekretalen Gregors VIII", *Mitteilungen des Instituts für Österreichische Geschichtsforschung* 58 (1950), 114; Landau, "Rechtsfortbildung"; 86, Müller, "The Omnipresent Pope", 210, n. 24.

A precedent for this injunction might be Nov. 23.3, received by Gratian (C 2 q. 6 c.28.) This had established the appeal threshold to the imperial court at ten pounds of gold. Disputes involving lesser amounts were directed to the augustal prefect or, in the east, the count; no appeal was possible.[49] However, I have not found any decretist who applied this to appeals to the curia. Nevertheless, given that 20 marks were roughly ten pounds,[50] Gregory's experience as a legate prior to his elevation to the papacy undoubtedly had given him more than a passing knowledge of the canon law, and he may well have drawn upon this *Novel*, through Gratian, for his sum.[51]

Commentators on *Compilatio I* did not treat this letter at length. However, Alanus Anglicus did note the monetary threshold. He determined that pope's decision had been a matter of equity, not law. It applied only to this case and could not establish a precedent.[52] Tancred of Bologna's ordinary gloss expanded this by emphasizing the unusual circumstances behind the injunction. He described the malicious appeals as a disease requiring a special remedy. This had neither the force of rescript nor common law (*ius commune*). It was a private communication.[53]

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49 Nov. 23.3, at C 2 q. 6 c. 28 §1 and Litewski, "Appeal", 174 and n. 147.

50 P. Grierson and M. Blackburn, *Medieval European Coinage. With a Catalogue of the Coins in the Fitzwilliam Museum Cambridge. v. 1: The Early Middle Ages (5th–10th Centuries* (Cambridge: 1986, rp. 1991), 15–16.

51 R. Weigand, "The Development of the Glossa Ordinaria to Gratian's Decretum", in W. Hartmann, and K. Pennington (eds.), *The History of Medieval Canon Law in the Classical Period, 1140–1234: From Gratian to the Decretals of Pope Gregory IX* (Washington: 2008), 76, 95. H. Müller, in "The Omnipresent Pope: Legates and Judges Delegate", in K. Sisson, and A. Larson (eds.), *A Companion to the Medieval Papacy: Growth of an Ideology and Institution* (Leiden and Boston: 2016) 209, noted various twelfth- and thirteenth-century popes who had previously served as legates, including Albert of Morra (Gregory VIII), See also J. Brundage, *The Medieval Origins of the Legal Profession: Canonists, Civilians, and Courts* (Chicago and London: 2008), 132.

52 Munich, Bayerische Staatsbibliothek Clm. 3879, fol. 36vb: *s.v.*marcarum xx: §alibi summa modica dicitur que infra duos aureos subsistit ut ff. de dolo si quis §merito (Dig. 4.3.9.5, with additional citations from the *Digest*). Supra de appellationibus causa. Solutio illud trahitur ad istud tamquam ad posterius set hoc de iure et equitate de facto tamen et per iniquitatem illud isti preiudicat uel istud temporale et illum perpetuum uel illud uel istud intelligas uel hec constitutio non fuit post promulgationem edita *in marg.* Tancred repeats this.

53 Vat. lat. 1377 fol. 37rb: *s.v.* appellatione contempta: §quo ad hoc ut desinitur appellatio ad papam tenet tamen appellatio facta ad archiepiscopum s. e. t. de apell. contra solutio <de plano> concedo quod hoc uelut posterius ad se trahit priora <neque> hic oportuit illius fieri mentionem cum non sit rescriptum uel illud dicatur ius commune et istud similiter quia cum esset hominium malitia multa medela data est per gregorium quam cessare

The second example is *Licet remedium appellationis*, sent by Clement III to Bishop Sicard of Cremona on 1 January 1190.[54] Echoing Urban's letter, he condemned disputes involving clergy and laity. Malicious clerics had employed the subterfuge of appealing to Rome, prompting the laymen to charge innocent clergy.[55] In response, the pope established a threshold of 40 *solidi*. Unless the bishop himself was suspect, the pope allowed him to judge concerning lesser sums without further appeal.[56]

The letter's context is obscure. Clement had issued a letter in March 1189 barring appeals after Easter unless properly sealed and with the petitioner's name.[57] However, he did not mention conflict between clergy and laity.[58]

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credo ubi morbus cessauit ut xxxu q. iii quod scripsi R. uel istud temporale illud perpetuum uel istud <equum> ius set per contrariam consuetudinem illud preualuit uel ista non fuit promulgata in publicum.

54 2 Comp. 2.19.12, JL 17050. Incorrectly dating it December 1193 with attribution to Celestine III: O. Holder-Egger (ed.), *Sicardi episcopi cremonensis Cronica*, (Hannover: 1903), 32.8–12. Corrected by Walther Holzman: http://www.kuttner-institute.jura.uni-muenchen.de/kartei/whr0690.gif accessed on 3 May 2022. See Cheney, *From Becket to Langton*, 66 and n. 3; Holtzmann, "Die Dekretalen Gregors VIII", 122, who edits the letter, and I.S. Robinson, "The Institution of the Church, 1073–1216", D. Luscombe and J. Riley-Smith (eds.), in *The New Cambridge Medieval History* (Cambridge: 2015), 4.1, 383 and n. 88; and Landau, "Rechtsfortbildung", 87.

55 Sicard's chronicle unfortunately records no relevant dispute in 1189–1190. See F. Menant, "Un lungo Duecento (1183–1311): il comune fra maturità istituzionale e lotte di parte", in G. Andenna (ed.), *Storia di Cremona*: *Dall'Alto Medioevo all'eta Comunale* (Cremona: 2004), 295, 298.

56 W. Holtzmann, C. Cheney, and M. Cheney, *Studies in the Collections of Twelfth-Century Decretals: From the Papers of the Late Walther Holtzmann* (Rome: 1979), 289; Müller, *Delegationsgerichtbarkeit*, 17; Chodorow, "Dishonest Litigation", 11. None considered the monetary threshold. Sicard was well-qualified to do this, on which see I. Riedel-Spangenberger, "Der Kanonist Sicardus von Cremona im 12. Jahrhundert in Mainz", in M. Dreyer and J. Rogge (eds.), *Mainz im Mittelalter* (Mainz: 2009), 103–115; E. Coleman, "Sicard of Cremona as Legate of Innocent III in Lombardy", in A. Sommerlecher (ed.), *Innocenzo III: Urbs et Orbis. Atti del Congresso Internazionale Roma, 9–15 settembre 1998*, (Rome: 2003), 2.939–940, 941–953. On Sicard and Rome, see A. Silvestri, *Power, Politics and Episcopal Authority: The Bishops of Cremona and Lincoln in the Middle Ages* (*1066–1340*) (Cambridge: 2015) 97–98, 103–104.

57 *Cum ex imposito*, 9 March 1189 expressing frustration with trivial and abusive appeals and the curia's inability to prevent them. See http://www.kuttner-institute.jura.uni-muenchen.de/kartei/whr0268.gif accessed on 20 August 2022.

58 C. Wickham, *Courts and Conflict in Twelfth-Century Tuscany* (Oxford: 2003) 16–17, 229ff. and *Sleepwalking into a New World: The Emergence of Italian City Communes in the Twelfth Century* (Princeton: 2015), 174–175, 189, but nothing on relevant disputes or appeal, also Silvestri, *Power, Politics and Episcopal Authority*, 100–107.

During the months prior to *Licet remedium appellationis*, there are no letters or privileges from Rome referring to disputes at Cremona or problematic appeals by its clergy.[59] Clement does not mention specific cases, so we must assume these were typical disputes over land, patronage, etc.[60] There is also no trace of conflicting jurisdictions between the bishop and communal judges.[61]

Commentary on the letter is unfortunately sparse. While received into *Compilatio Secunda*, it attracted little attention. What we do have does not differ from reactions to *Vel ex malitia*. A *Casus* summarizes it, adding that Clement had conceded this limit on appeals to the bishop for the sake of equity. It did not conform to the normal custom of the curia and could not be a precedent. Tancred of Bologna's *Glossa ordinaria* on *Compilatio Secunda* repeated this without further comment.[62] It is worth noting that *Licet remedium*

59 P. Kehr (ed.), *Italia Pontificia, sive Repertorium privilegiorum et litterarum a Romanis pontificibus ante annum MCLXXXXVIII Italiae ecclesiis monasteriis civitatibus singulisque personis concessorum*,: 6.1: *Liguria sive provincia mediolanensis. Lombardia* (Berlin: 1913,) 262–308.

60 Such disputes were hardly new: C. Wickham, "Land Disputes and their Social Framework in Lombard-Carolingian Italy, 700–900", in W. Davies and P. Fouracre (eds.), *The Settlement of Disputes in Early Medieval Europe* (Cambridge: 1986), 118–119.

61 On conflicts elsewhere, see C. Sorti, "Judging and Settling Disputes in the Middle Ages", 32–33, accessed at https://www.pul.it/cattedra/upload_files/18025/C.%20STORTI%20JUDGING.pdf on 15 April 2022. While strife had been common in the eleventh century, relations between town and bishop were generally good by Sicard's time. See C. Wickham, "The 'Feudal Revolution' and the Origins of Italian City Communes", *Transactions of the Royal Historical Society*. Sixth Series 24 (2014), 44–45; E. Carleton, "Bishop and Commune in Twelfth-Century Cremona: The Interface of Secular and Ecclesiastical Power", in F. Andres and A. Pincelli (eds.), *Churchmen and Urban Government in Late Medieval Italy* (Cambridge: 2013) 27–30, 37; Coleman, "Sicard of Cremona", 952; Silvestri, *Power, Politics, and Episcopal Authority*, 103–104.

62 *Casus ad Compilationem secundam "Quesivit Anconitanus"*, Leipzig, UB 975 fol. 161v summarizes it. Compare Magister Albertus's *Apparatus* to *Compilatio Secunda*, Bamberg, Staatsbibl. Can 19, fol 93vb: *s.v.* xl: Solutio quod dicitur nulla decretali uel ex malitia equitatem continet et legibus conuenit et tanquam iustum et equum preferri deberet set non fuit moribus utentium nec consuetudine romane curie approbatum <et ideo> preualet quod dicitur in illa decretali de app. que contradicit hinc set specialis fuit hic indulgentia erga istum episcopum; *s.v.* sol<idorum>: s. proposita probatur enim coram arbitrio". On Albertus, see F. Gillmann, "Magister Albertus, Glossator der Compilatio II", *Archiv für Katholisches Kirchenrecht* 105 (1925) 131–132, without reference to this gloss. See also Gilbert Anglicus, *Collectio Gilberti*, Bamberg, Staatsbibl. Can. 18, fol. 50vb. For Tancred's *Glossa ordinaria*, Vat. lat. 1377 fol. 119ra: *s.v.* xl: "s. de appell. uel ex militia uel .i.s. ii q. ui anteriorum §illud s.e.t. de appell. contra solo. Quod dicitur in illa decretali uel ex malitia equitatem continent et legibus conuenit et tanquam iustum et equum preferri deberet set non fuit moribus utentium nec consuetudine romane curiae approbatum et ideo

*appellationis*, like *Vel ex malitia*, also ran against the general view held by civilians and decretists that appeal was triggered by any potential injustice or procedural defect, not some amount of money at stake.[63] The letter did not enter Pope Gregory IX's *Liber Extra*, and thus elicited no later commentary.

While *Licet remedium appellationis* likely echoed Gregory VIII's letter of 1187, there also may be another source. The *Constituta Pisana* of 1160 had established a 40 *solidi* limit for appeals.[64] A pioneering document in Italian communal law, the *Constituta* fixed in writing, augmented and improved by the *Digest* and *Codex*, older Lombard law procedure.[65] Its monetary restraint on appeals also served the *Constituta's* expressed purpose to "swiftly settle disputes."[66]

How could this text have come to the curia's attention? Obviously, the commune was powerful and influential.[67] Connections with the curia are evident from the early twelfth century on, as Pisans served as judges of the Lateran palace.[68] By 1150, its disputes were frequently appealed to the curia, which then appointed Pisans as judges-delegate.[69] Thus, there were ample connections between the commune and Rome.

Why might the *Constituta Pisana* have been applied to appeals from Cremona? After all, the ten-pound limit was in both the civil law and Gratian; likewise, the twenty-mark threshold had been fixed in Gregory VIII's letter. However, the far smaller limit of forty *solidi* might well have been more applicable to appeals than either sum.

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preualet quod dicitur in illa decretali de app. Que contradicit huic set specialis fuit hic indulgentia erga istum episcopum."

63 Litewski, "Appeal", 174 and n. 148.

64 F. Bonaini (ed.), *Constituta Pisana*, (*Statuti inedita della citta di Pisa dal xii al xiv seculo raccoliti*: Firenze: 1870), 2.61, xvii. I have been unable to obtain the edition by G. Schmitt-Gaedke, *Die Constituta legis et usus von Pisa* (*1160*). *Gesetzbuch im Kosmos hochmittelalterlicher Rechtsgelehrheit* (Berlin: Weißensee Verlag 2009), partially available at http://www.weissensee-verlag.de/autoren/Schmitt-Gaedke/schmitt-gaedke_kurz.pdf accessed on 9 April 2022. See also P. Classen, "Kodifikation im 12. Jahrhundert: Die *Constituta usus et legis* von Pisa", in P. Classen, *Recht und Schrift im Mittelalter* (Sigmaringen: 1977), 312, 31; Wickham, *Courts and Conflict*, 112.

65 Classen, "Kodifikation", 315, Wickham, *Courts and Conflict*, 108–109, and 120 n. 35.

66 Classen, "Kodifikation", 314: *litibus celeritatem imponere volentes*. The first case to survive dates from 1191. See Wickham, *Courts and Conflict*, 163–164, also 276.

67 Wickham, *Courts and Conflict*, 109–110.

68 Wickham, *Courts and Conflict*, 119 and n. 32, also 233 on messengers going to and from Rome. Clement's predecessor, Urban VIII, also had died at Pisa, another sign of the city's connection with the curia.

69 Wickham, *Courts and Conflict*, 229–230.

There seems no evidence that the monetary limit was ever enforced.[70] Perhaps it was unworkable. Cremona and Rome probably lacked the staff to track the monies in dispute.[71] Indeed, litigants may have just ignored it, as was often the case with *appellatio remota*.[72]

There is, however, an interesting later parallel from thirteenth-century England: a forty-shilling threshold for appeals to the crown. This might explain why the monetary threshold in Cremona did not work. In England, only appeals exceeding forty shillings were to move forward, and necessitated a royal writ.[73] Some appellants negotiated this limit through deception. If the amount in question were less than the limit, and they wanted royal justice, they declared this sum, but also add a false claim for additional monies "alleged to have been lent" to make up the difference.[74] Disputes valued at just under forty shillings suggest this strategy.[75] Perhaps something similar had happened a century earlier at Cremona. A surge of disputes valued at just under 40 *solidi* might have persuaded Sicard to set the letter aside. Without evidence, however, this remains speculation.

Monetary thresholds were unprecedented. They created a new category of *causae maiores* appealed to Rome.[76] If the *Constituta Pisana* inspired *Licet*

70 There is nothing relevant from 1190 or thereafter in the Cremonese *Libri iurium:* V. Leoni (ed.), *Libri iurium Repertorium iurium communis cremone* (*1350*) (Rome: 1999), 75ff. There are no letters from judges delegate revealing if the limits were obeyed. See Zutshi, "The Roman Curia", 226 and n. 70, also Müller, "Gesandte mit beschränkter Handlungsvollmacht", 35. Nor anything in legatine documents: S. Weiß, *Die Urkunden der päpstlichen Legaten von Leo IX. bis Coelestin III.* (*1049–1198*) (Cologne, Weimar, Mainz: 1996), 290–298, and "Die Legatenurkunde des 11. und 12. Jahrhunderts zwischen Papst-und Herrscherurkunde", in P. Herder, H. Jakobs (eds.), *Papsturkunde und europäisches Urkundenwesen. Studien zu ihrer formalen und rechtlichen Kohärenz vom 11. bis 15. Jahrhundert* (Cologne, Weimar, Vienna: 1999) 27–38.

71 On inadequate record-keeping at Rome, which Pope Clement had bemoaned in 1189, Cheney, *From Becket to Langton*, 66; d'Avray, *Medieval Rationalities*, 135–149.

72 On how *appellatio remota* failed, Cheney, *From Becket to Langton*, 63–64; Uruszczak, "Les juges", 40 and n. 97.

73 S.F.C. Milsom, *A Natural History of the Common Law* (New York: 2003), 35 and n. 27: J.S., Beckerman J.S., "The Forty-Shilling Jurisdictional Limit in Medieval English Personal Actions", *Legal History Studies*, 1972 (Cardiff: 1975), 110–117. Neither notes any parallels in the civil or canon law.

74 Milsom, *A Natural History*, 35.

75 Beckerman, "The Forty-Shilling Jurisdictional Limit", 111; Milson, *A Natural History*, 35–36.

76 Robinson, "The Institution of the Church", 386.

*remedium appellationis*, this also would be a remarkable legal borrowing, perhaps better described as an experiment, by the curia.[77]

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Such legal experiments with money and time bring to mind the German jurisprudent and historian Rudolph Sohm. Sohm contended that it was only after Gratian that canon law became distinct from theology.[78] Gratian was the last representative of the 'old Catholic law', based on sacraments, not human reason. After him, the *Gemeinschaft* of the 'old catholic church' became a corporation, whose law built a worldly monarchy.[79] While critics have never been lacking,[80] his thesis remains provocative, inspiring various scholars, including Max Weber.[81]

If Sohm's contention that the *ius humanum* only started to replace 'sacramental law' in the decades after Gratian is manifestly wrong, it is still true that canon law did become more involved in worldly affairs during the twelfth century. Appeals increased and strengthened ties between the Roman center and the ecclesiastical periphery.[82] They also entangled them.[83] Procedural solutions were needed, so experiments were undertaken.[84] What could be more characteristic of Sohm's *ius humanum* than regulations by time and money?

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77 d'Avray, *Medieval Rationalities*, 167–168. On legal "experiments", Landau, "Rechtsfortbildung", 87.

78 R. Sohm, *Das altkatholische Kirchenrecht und das Dekret Gratians* (Munich, Leipzig: 1918, repr. Darmstadt: 1967).

79 Sohm, *Das altkatholische Kirchenrecht*, 582–587.

80 Compare U. Stutz, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung* 8 (1918) 238–246; d'Avray, *Medieval Rationalities*, 136 and n. 37. and K, Pennington, "Roman Law at the Papal Curia in the Early Twelfth Century", in U-R. Blumenthal, A. Winroth, P. Landau (eds.), *Liber amicorum Robert Somerville* (Washington: 2012) 236–252.

81 d'Avray, *Medieval Rationalities*, 149.

82 G. Drossbach and H-J. Schmidt (eds.), *Zentrum und Netzwerk: Kirchliche Kommunikationen und Raumstruckturen im Mittelalter* (Berlin: 2008); N. d'Acunto, "Institutionalisierung und Zentralisierung: Die Römische Kirche und die Kirche der Lombardei im 11. und 12. Jahrhundert", in F.J., Felten, A. Kehnel, and S. Weinfurter (eds.), *Institution und Charism: Festschrift für Gert Melville zum 65. Geburtstag* (Cologne, Weimar, Vienna: 2009), 188–191; Müller, "Entscheidung auf Nachfrage", 117.

83 Robinson, "The Institution of the Church", 4.1.383–384.

84 S. Dusil, *Wissensordnungen des Rechts im Wandel: Päpstlicher Jurisdiktionsprimat und Zölibat zwischen 1000 und 1215* (Louvain: 2018), 508.

Here, we consider Dominique Bauer's work on the emergence of 'proceduralist' law. In her view, the Investiture Contest, not the decades after Gratian, began the transition of the canon law from a formalistic to a procedural system.[85] Romano-canonical procedure in the twelfth century accelerated this, highlighting the transcendent authority and power of the pope. The pope determined what laws and procedures were valid.[86] Instead of immanent divine judgment, for example through the ordeal, now only the law of the institutional Church, headed by the pope, obtained. Temporal and sacred began to be dissociated.[87] Validity, not morality, now determined what was legal or not. Justice gave way to correct procedure.[88] Echoing Sohm, if not intentionally, this secular, proceduralist 'turn' started to replace the older, soteriological conception of justice.[89]

Regulation by time and money reflects this transition.[90] For example, Bauer notes that two *dicta* of Gratian concerning excommunication state it only takes effect when the sentence is declared.[91] There were now fixed moments to determine validity.[92] We have seen this as well in our letters: from its reception to a defined end point, with *appellatio remota*. The addition *of ex tunc* reinforces this. The priest of Rheims' argument that the judge had not observed the limit, whether true or not, also reveals such awareness of temporal validity. The letters of Gregory VIII and Clement III are equally procedural in striving for validity and, indeed, efficiency.[93]

We can only infer from the letters the curia's role in these developments, though it undoubtedly played a vital part. We know from the lengthy account of Abbot Hariulf of Oudenburg's visit to Rome in 1141 that multiple meetings took place between the pope, cardinals, and *curiales* concerning his

85 Bauer, "On the Historical Genesis", 213.
86 Bauer, "On the Historical Genesis", 212.
87 Bauer, "On the Historical Genesis", 215.
88 Bauer, "On the Historical Genesis", 216.
89 Bauer, "On the Historical Genesis", 219.
90 Bauer, "On the Historical Genesis", 217, distinguishing between "achieved" validity and "done" justice.
91 Bauer, "On the Historical Genesis", 217, noting C 11 q. 3 d.p.c 20, 21.
92 A. Thier, "Time, Law, and Legal History: Some Observations and Considerations", *Rechtsgeschichte/Legal History* 25 (2017) 20–44, accessed at https://www.academia.edu/34490339/Time_Law_and_Legal_History_Some_Observations_and_Considerations on 3 May 2022.
93 Bauer, "On the Historical Genesis", 218; d'Avray, *Medieval Rationalities*, 129; Uruszczak, "Juges Délégues", 41.

appeal.[94] Despite the increased number of appeals during the remainder of the century, such consultation continued, for curial bureaucracy had not yet expanded sufficiently to meet the demand.[95] This overwhelmed, underfunded staff confronted the challenge of balancing norms: substantively, that appeal to Rome was open to all and instrumental, which appeals to regulate, even reject.[96] Even if the time limits were apparently often ignored and the monetary thresholds never took effect, these still remain remarkable innovations, attempts to bridge the gap between venerable, sacred norms and practical realities. They highlight what Professor d'Avray has called the "ingenuity" of the twelfth-century curia, employing procedural means – legal rationality – to handle the cases that came to Rome without expanding the curial bureaucracy.[97]

Sohm would have condemned such innovations. They were signs of corruption.[98] In this respect, he echoed medieval critics who had warned that the pastor would become a judge, and his curia, a courtroom. A wider view of papal letters and, more generally, the canon law, can provide another perspective. For the pope and his court did more than strive for validity and efficiency. To that end, I close with a final letter.

A priest had been suspended for allegedly summoning an evil spirit with an astrolabe.[99] Begging forgiveness from Alexander III, he explained he had used it to find items stolen from his church. While admitting this was still a serious offense, the pope offered mercy. The patriarch of Grado should restore whatever had been taken from the priest within eight days of receiving the letter. After one year of penance, perhaps two, the priest, *ex tunc*, could resume his duties.

Worldly measures of time and money were indeed shaping the canon law and curial practice by the end of the twelfth century. Appeal ran on the papal

94 B.C. Brasington, *Order in the Court: Medieval Procedural Treatises in Translation* (Leiden-Boston: 2016), 61–80.

95 On the lack of adequate bureaucracy and funding at the curia, d'Avray, *Medieval Rationalities*, 135.

96 As declared by Pope Innocent II (JL 7754), where Rome, "the axis and head of the Church," was open to all appeals. See G. Cariboni, "Non, ut liceret, sed an liceret. Correzione e escercizio dell'appello all Chiesa romana presso gli ordini religiosi nel XII seculo", in S. Barret and G. Melville (eds.), *Obedientia: Zu Formen und Grenzen von Macht und Unterordnung im mittelalterlichen Religiosentum*, (Münster: 2005), 31;1 and d'Avray, *Medieval Rationalities*, 167.

97 d'Avray, *Medieval Rationalities*, 135.

98 Sohm, *Das altkatholische Kirchenrecht*, 594.

99 JL 13943, X 5.21.2.

clock, starting with his letter and stopping, in theory irrevocably, at a set time. Now, pieces of gold and silver might determine who could appeal or not. Yet, Alexander reminds us that beyond these rules there still remained mercy, which can never be measured by time or price.[100] For Rome was more than the head of the Church. It was also the heart. More than any legal innovation, that heart of mercy makes the medieval canon law and curia a subject worthy of our study.

100 That dispensations also could also reflect instrumental rationality, d'Avray, *Medieval Rationalities*, 151–152.

CHAPTER 6

# Papal Councils and the Curia in the 'Long' Twelfth Century, 1088–1215

*Danica Summerlin*

In his account of a session at Calixtus II's 1119 council at Reims, the Anglo-Norman cleric Orderic Vitalis carefully described the seating at one consistorial session.[1] After celebrating Mass, the pope resumed his seat in front of the doors to the church. "In the first rank in front of him [i.e. the pope]", Orderic wrote, "were placed the members of the papal curia, Cono, bishop of Palestrina, and Boso of Porto, Lambert of Ostia, John of Crema, and Atto of Viviers. These exceptionally learned men debated the points of law with finer subtlety than all the others and gave very full answers". He also commented on the presence of seven other attendants, all in tunics or dalmatics; one of them, Chrisogonous, hovered nearby with a copy of the 'canons' to hand, ready to consult if circumstances required.[2]

Despite the number of papal councils that took place in the twelfth century – numbering well into double digits – such a description of the ritual at the event is comparatively rare. Most narratives are content to explain, in a few words, that the council took place and give a rough overview of its major acts. Robert of Torigni, for example, gives bare details of the two councils held by Alexander III at Tours in 1163 and the Lateran in 1179, omitting discussion of the canons from 1163 and the events of 1179.[3] Longer accounts do make precious additions: for example Bernardo Maragone for the 1179 Lateran Council, or for

1 My thanks to Donald Prudlo for inviting this contribution, and for his patience throughout the process. Due to the combination of ongoing difficulties accessing UK libraries and the nature of this project, references tend to be general or easily-available works where possible, and English-language versions of sources unless the Latin is necessary. The best English-language overview works on the twelfth-century papacy remain I.S. Robinson, *The Papacy, 1073–1198: Continuity and Innovation* (Cambridge: 1990); C. Morris, *The Papal Monarchy* (Oxford: 1989); while Brett Whalen provides a brief introduction in his *The Medieval Papacy* (Basingstoke: 2014).

2 Orderic Vitalis, *The Ecclesiastical History*, ed. and trans. M. Chibnall (6 vols, Oxford: 1969–1980), 6.255.

3 On Tours, see Robert of Torigni, *Chronicle*, in R. Howlett (ed.), *Chronicles of the Reigns of Stephen, Henry II and Richard I*, Rolls Series 82 (London: 1890), 219–20; for an overview of the conciliar acts, see R. Somerville, *Alexander III and the Council of Tours (1163): A Study*

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Lateran IV the detailed letter written by an unknown German cleric recounting events, which give copious, if not full, details of the rituals and activities of these ecclesiastical gatherings.[4] But descriptions such as Orderic's, especially giving extensive detail on the role of the curia, are rarer creatures.

The often quite spartan accounts found in chronicles, especially those written by external observers, lead to an uneven amount of detail about the role of the curia and its members in papal councils during the 'long' twelfth century. Some cases, such as the 1148 council held at Reims under Eugenius III, saw the curia, and especially the cardinals, deeply involved in events: particularly, in this instance, in the consistory held after or alongside the council, which decided allegations of heresy against Gilbert of Poitiers.[5] As well as skewing the record, these examples provide the critical focal points from which the papal curia's involvement in councils hangs, bolstered by widely dispersed evidence pieced together from elsewhere. Given the enormous changes it underwent in this period, it is unsurprising that the result shows members of the papal curia performing a range of functions around papal councils. Acting as both summons to and disseminators of the conciliar acts, as well as advisors during the proceedings, their role was not limited to internal curial concerns, and they played some role in communicating councils to wider Christendom.

As well as the curia changing over this period, so too did papal councils. Originally synods, where legal decisions were made in consultation, they reflected the growing authority of the pope. By the thirteenth century, their decrees were generally presented as those of the pope who had summoned the meeting, cementing their place as vehicles for the dissemination of papal laws rather than a place for general discussion. That development, classified by Schmale as a process moving from *synodus* to *concilium* [*generale*] saw popes and their advisors take on, in theory, a greater role in the councils themselves over the course of the twelfth century.[6] Surviving copies of conciliar decrees

*of Ecclesiastical Politics and Institutions in the Twelfth Century* (Berkeley: 1977), 56–72. On the Lateran council, see Robert of Torigni, *Chronicle*, 284–285.

4 On Maragone, see R. Engl and A.A. Larson, "Ein unbeachtetes Zeugnis zum dritten Laterankonzil: Bernardo Maragones Annales Pisani", *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, kanonistische Abteilung* 97 (2011), 357–375; the accounts of the anonymous German Cleric underpins Moore's account of Lateran IV: J.C. Moore, *Pope Innocent III (1198–1216): To Root up and to Plant* (Leiden: 2003), 229–37.

5 A detailed account of events at Reims, discussed later, can be found in C. Egger, "Curial Politics and Papal Power: Eugenius III, the Curia, and contemporary theological controversy", in I. Fonnesberg-Schmidt and A. Jotischky (eds.), *Eugenius III (1145–1153): The First Cistercian Pope* (Amsterdam: 2018), 89–95.

6 F.J. Schmale, "Synodus – synodale Concilium – concilium", *Annuarium Historiae Conciliorum* 8 (1976), 80–102; a fuller account can be found in Robinson, *The Papacy*, 121–45.

demonstrate this, with attributions varying widely depending on the nature of the source, although the transmission of the decrees also demonstrates the extent of the gulf between papal intentions and reality.[7] One result of these long-term changes, however, was that surviving copies of conciliar decrees present them as explicitly connected to a specific pope, or as statutes issued in his name but with some complex mixture of papal and conciliar authority. They thus reflect the complicated relationship between papal authority and that of the wider church, and the historiographical interest in papal councils shifting from local Italian decision-making bodies to Christendom-wide issuers of papally-approved laws and statutes, which were attended by clerics from a variety of dioceses.

Two implications then emerge. Firstly, in most discussion of papal councils, the focus remains the relationship between the pope and the broader church, especially as seen through the contents of conciliar statutes and decisions. Little space is left for the function of the cardinals and the curia, except for isolated examples such as the consistory held after Eugenius III's 1148 council at Reims. Even then the relationship between the consistory and the council can be murky: when did the council end and the consistory begin, and would that have been recognised by all present?[8] There is nevertheless a general recognition that the importance of the curia increased over the twelfth century, and Egger pointed to Reims in 1148 as a critical time in that change, marking a point when the cardinals saw in themselves a body to whom the pope owed some allegiance.[9] When connected to broader trends around papal centralisation of power and authority, the correlation between the role in papal government of both the council and the curia appear at the very least connected.[10]

Additionally, a focus on legislation can overlook the contribution of the curia to minor or less well-known papal councils. Although most histories focus on the four great Lateran councils of 1123, 1139, 1179, and 1215, far more papal councils are recorded as taking place.[11] They occurred mostly in what

7 E.g. for Lateran III see D. Summerlin, *Canons of the Third Lateran Council, 1179: Their Origins and Reception* (Cambridge: 2019), 136–138.

8 For the example of Reims in 1148, see John of Salisbury; for Reims (1119), see Orderic Vitalis, *Ecclesiastical History*, as n. 1.

9 Egger, "Curial politics", 91–2.

10 Whalen, *Medieval Papacy*, 113–8.

11 See for example the masterly overview by A.J. Duggan, "Conciliar Law, 1123–1215: The Legislation of the Four Lateran Councils", in K. Pennington and W. Hartmann (eds.), *History of Medieval Canon Law in the Classical Period, 1140–1234: From Gratian to the Decretals of Pope Gregory IX* (Washington, D.C.: 2008) which, while focussing on the Lateran councils on 319–22, details other general councils of the period.

is now France and Italy, including Clermont in 1095 and 1131, as well as Bari (1095), Reims (1119, 1130, and 1148), Piacenza (1095), Melfi (1089) and, as already mentioned, Tours (1163), as well as, of course, Rome.[12] In all of these, the pope himself attended, and for the purposes of the current chapter that presence provides the critical defining feature behind a 'papal' council. One potential grey area in contemporary ecclesiastical political theory was how far councils held by papal legates should be considered 'general': if, as was accepted, legates travelled with papal authority then it was theoretically possible for them to hold general councils, even if the pope was absent.[13] In practice, and with a few exceptions which, if anything, prove the error, a line was drawn between councils held by papal legates and those convened by popes, even when the legates were known cardinals and members of the papal curia.[14]

Looking at the three stages of papal councils – their summons, their occurrence, and the transmission and dissemination of their acts – alongside the question of who amongst the curia was even present at the gatherings, this chapter will trace the development of the curial role in papal councils over the course of the 'long' twelfth century, taken to mean in practice between the pontificates of Urban II and Innocent III. Here, the idea of the 'curia' will be taken in its broadest sense, encompassing the members of the various branches of papal bureaucracy such as the chancery, alongside the cardinals and other more visible papal emissaries and legates. Furthermore, by looking beyond the major councils later defined as ecumenical – meaning the four great Lateran councils of 1123, 1139, 1179, and 1215 – a fuller picture of the role played by the curia in this fundamental part of papal government can be shown.

12 On Urban II's councils at Melfi, Clermont, and Bari, see R. Somerville, *Pope Urban II's Council of Piacenza* (Oxford: 2011) 3–5, 8, 17; on Piacenza, see idem, passim. For a short overview of papal councils in the period, see D. Summerlin, "Papal Councils of the High Middle Ages", in A.A. Larson and K. Sisson (eds.), *The Brill Companion to the Medieval Papacy* (Leiden: 2016), 174–196.

13 See the overview in K.R. Rennie, *The Foundations of Medieval Papal Legation* (London: 2013), 120–2; the question of what constituted a general council, and the authority of episcopal councils, was included in Distinctions 17–18 of Gratian's *Decretum*: *Corpus iuris canonici*, ed. E. Friedberg (Tauchnitz: Leipzig, 1879–81), i, cols 50–58.

14 One example is the canonical transmission of the canons of the 1175 council of Westminster: see the overview in *Councils & Synods, and Other Documents Relating to the English Church*, ed. D. Whitelock, M. Brett, and C.N.L. Brooke (Oxford: 1981), 1.965–993, at 1.975.

## 1 Curial Presence at Papal Councils

That the curia played a central role in papal councils is not at all surprising, and their attendance at councils across the period is clearly attested. Surviving attendance lists provide some indication of the curial presence, although their focus on episcopal attendees makes the cardinal-bishops most visible. The presence of less prominent members of the curia appears most clearly through witness lists to charters or other documents, or through other, non-curial accounts such as Orderic Vitalis. A surviving charter, whose contents were confirmed at the synod, suggests that ten cardinals were present in 1095 at Piacenza, including cardinal-bishop John of Porto;[15] in 1119, Orderic listed three cardinal-bishops alongside other curial members.[16] In 1163 at the Council of Tours, three of the cardinal-bishops – of Ostia, Porto, and Albano – attended alongside Alexander III and fourteen other cardinals.[17] Sixteen years later, the cardinal-bishop of Ostia, Hubald, led the attendance list for Alexander's Lateran council, although others were clearly present, including Conrad, archbishop of Salzburg and cardinal-bishop of S. Sabina who is not listed as a cardinal.[18] In 1215, six cardinal-bishops were present; a surviving account lists a further fourteen cardinals from amongst the various cardinal-priests and cardinal-deacons.[19] Oscillation in the number of curial attendees is not surprising, reflecting the changing number of cardinals and members of the curia in a time before the college of cardinals, at least, was fully established as well as external events. In 1179, for example, the cardinalate was depleted following the Alexandrine schism: at least three cardinals were appointed during the council itself, including Bernered, abbot of Saint-Crépin, as cardinal-bishop of Palestrina, William Whitehands, archbishop of Reims, as cardinal-priest of Sabina, and Henry de Marcy, abbot of Cîteaux, as cardinal-bishop of Albano.[20] The latter two elevations, and their accompanying ritual theatre, played a prominent part in the account of the council given by the English chronicler Roger of Howden.

15 Somerville, *Council of Piacenza*, 9.

16 Orderic Vitalis, *Ecclesiastical History*, as n. 1.

17 Somerville, *Council of Tours*, 31–2; Boso's *Life* of Alexander III states that seventeen cardinals were present: *Boso's Life of Alexander III*, trans. G.M. Ellis (Oxford: 1973), 59.

18 London, British Library Additional MS 39646, fol. 152vb-153ra lists the bishops present from the province of Rome and fol. 155ra lists the province of Salzburg.

19 A. Luchaire, "Un document retrouvé", *Journal des Savants* n.s. 3 (1905), 561.

20 For Bernered, see Peter of Celle, *Letters of Peter of Celle*, ed. and trans. J. Haseldine (Oxford: 2001), 384–387 (no. 91); for William and Henry, see Roger of Howden, *Chronica*, in *Chronica Magistri Rogeri de Houedene*, ed. W. Stubbs, Rolls Series 51 (4 vols, London: 1868–71), 2.171.

Surviving accounts also demonstrate that clerics outside the curia were at least aware of the role of cardinals and the curia in these councils. Orderic was not alone in noting their central position in the ritual elements of the council.[21] Roger of Howden mentioned Alexander III's cardinals alongside the pope in the most prominent place during celebration for the opening day of the 1179 council, alongside the senior people of the city of Rome.[22] The Anonymous German cleric who provides a key eyewitness account to Innocent III's 1215 Lateran Council also noted the presence of cardinals and curial officials prominently placed alongside the pope. On the first day of the council, while describing the many glories of the opening session including the volume of people crammed into the Lateran basilica, he commented that Innocent was standing "with his cardinals and ministers in an elevated position".[23] The visual splendour was matched on the closing day of the council. Describing the events of what he described as the "third and solemn session", which amongst other things saw the recitation and general acclamation of the conciliar decrees, the German cleric again drew his abbot's attention to how "the lord pope ascended to the elevated place with his cardinals and ministers, and had the faith of the Holy Trinity and each article of the faith recited".[24] The cleric's distinction between cardinals and ministers suggests a fundamental recognition that, while they performed different roles and had different functions, they shared these and the resultant honor of their prominent placing.

Councils, therefore, provided a way of publicly demonstrating unity within the curia, but also occasionally its divisions. Alexander III's mid-schism council at Tours in 1163 saw the notable absence of those cardinals supporting his opponent Victor IV from the witness lists, in addition to their condemnation.[25] Meanwhile, the account of Urban II's 1095 council at Piacenza given in the *Gesta Romanae ecclesiae contra Hildebrandum*, for example, sought to undermine the conciliar events and decrees from a position within the curia. Believed by Somerville to be "written either by Beno, cardinal-priest of SS. Martino e

21 As n. 1 above.

22 Roger of Howden, *Chronica*, 2.171.

23 Anonymous German cleric, "Eyewitness", translated as "An eyewitness account of the Fourth Lateran Council", trans. C. Fasolt in J. Kirshner and K. Morrison (eds.), *Medieval Europe* (Chicago: 1986) 370; S. Kuttner and A. García y García, "A New Eyewitness Account of the Fourth Lateran Council", *Traditio* 20 (1964), 124 gives the Latin as "cum suis cardinalibus et ministris in eminentiori loco".

24 Anonymous German cleric, ibidem, 374; Kuttner and García y García, "A new eyewitness", 127 gives "in eminentiorem locum cum suis kardinalibus et ministris ascendens".

25 Somerville, *Council of Tours,* 31–2.

Silvestro, or by someone else in the same circle of dissonants",[26] it demonstrates of how curial politics could turn celebrations of unity into expressions of disgruntlement.

On a simple level, these accounts suggest two principal conclusions. Firstly, they recognized and understood the role of the curia, broadly conceived, in the actions of the councils themselves. Secondly, and more importantly, they suggest that the elevated presence of members of the curia was a continuity across this period – from Calixtus II to Alexander III and then Innocent III – even as papal bureaucracy elsewhere saw vast changes. The ritual role played by the cardinals and other senior members of the papal curia, even if they were not explicitly mentioned, was thus a critical part of the atmosphere of the councils.

## 2 The Curia and Convening Papal Councils

Members of the curia, whether cardinals or not, were certainly involved in drawing clerics to papal councils, whether held in Rome or elsewhere.[27] Although some conciliar attendees would have been resident at, or at least visiting, the papal court, the majority would have received some form of summons informing them that their presence was expected.[28] Most papal councils in the 'long' twelfth century were convened through the combined use of letters and the messengers who carried them. In the circumstances, the papal curia provided helpful, local, and (hopefully) loyal messengers for carrying the written summons to the recipients, who could provide further information where required. A legatine council, held by Alberic of Ostia at Westminster in December 1138, discussed the summons to Innocent II's 1139 Lateran council, showing that cardinals and messengers could add to discussions,[29] but letters of summons survive for most councils in the period. Some, such as Innocent III's now famous *Vineam Domini*, were expansive rhetorical objects which have

26 Somerville, *Council of Piacenza*, 18, with a full discussion of the *Gesta* on 18–24.

27 Accounts of the background of some councils can be found in: Somerville, *Council of Piacenza*, 4–6; Somerville, *Council of Tours*, 8–11; Summerlin, *Canons*, 14–16.

28 Eadmer suggests, for example, that Anselm of Canterbury's role at Urban II's 1098 Council of Bari was decided during Anselm's visit to the papal curia earlier that year: S. Niskanen, "From author to authority: Anselm's public reputation and the Council of Bari (1098)", *Journal of Medieval History* 49 (2023), 10, but this seems the exception rather than the rule.

29 R. Somerville and M. Brett, "The Transmission of the Councils from 1130 to 1139", in J. Doran and D.J. Smith (eds.), *Pope Innocent II (1130–43): The World vs the City* (New York – London: 2016), 239.

survived in reasonable numbers or through the papal registers and bear the mark of direct papal involvement; others are shorter and less crafted, but present direct summonses and insight into papal approaches.[30] To use the 1179 Lateran Council as an example, Roger of Howden relates how, in the summer of 1178, Alexander III "sent his legates through the whole world of the Roman church, summoning the prelates of the church to come to Rome the following year, to celebrate a solemn and general council". England and Normandy were visited by the same legate, Albert de Summa, while Peter of St Agatha, sent to Scotland, Ireland, and the other islands, asked for and received permission to pass through Henry II's lands.[31] A continuator of Sigebert of Gembloux refers to the legates who passed through that region as "cardinal subdeacons".[32]

Such an attribution provides evidence of the reliance, by Alexander and others, on men who had not yet been elevated to the rank of cardinal alongside those who had: the often more obscure members of the curia who were chaplains and subdeacons of the Roman church. Often accomplished men in their own right, they contributed as much to the bureaucracy of the curia as the smaller numbers of cardinals but are often harder to see.[33] Subdeacons' role in carrying conciliar summons is also shown in the letters themselves. Alexander III's 1178 letter of summons, *Quoniam in Agro*, survives in five instances.[34] In two – those to Conrad, archbishop of Salzburg and cardinal-priest of S. Sabina and the archbishop of Bourges and his suffragans – Alexander ended the letter by introducing its carrier. In both cases, he was a papal subdeacon: Gregory in the letter to Conrad, and Octavian in that to Bourges.[35] Moreover, Alexander was not an innovator here: two copies of Eugenius III's letter convening the 1148 council of Reims survive. Both were carried by papal chaplains, John and Raymond.[36]

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30 *Vineam Domini: Selected Letters of Pope Innocent III concerning England*, trans. C.R. Cheney and W.H. Semple (London: 1953), 144–147; on *Quoniam in Agro*, the call to the 1179 Lateran Council, see n. 35 below. Further examples are discussed below.

31 Roger of Howden, *Chronicle*, 2.167.

32 *Sigeberti Gembloux Continuatio Aquicinctina*, ed. D.L.C. Bethmann, Monumenta Germaniae Historica, Scriptores, 6 (Hanover: 1844), 417.

33 Despite a twenty-two year-long pontificate, Alexander only appointed thirty-four cardinals, and roles often went for long periods without being filled: J.M. Brixius, *Die Mitglieder des Kardinalkollegiums von 1130–1181* (Berlin: 1912), 60–67.

34 For an overview, see Summerlin, *Canons*, 129–131.

35 For the letter to Conrad (JL 13070): *Regesta Pontificum Romanorum*, ed. P. Jaffé, rev. F. Kaltenbrunner, P. Ewald, and S. Loewenfeld (2nd edn, 2 vols, Leipzig: 1888). For Bourges, ibidem, JL 13099.

36 Ibidem, letters JL 9147 & JL 9149, the latter to Eberhard, archbishop of Salzburg.

Using papal subdeacons and chaplains to carry the summons to papal councils demonstrates how important the entirety of the curia was by the twelfth century. While the role of the cardinals, and of papal legates whatever their rank, expanded from the late eleventh century on, twelfth-century popes did not rely on cardinals alone. That can be seen beyond the machinery of the papacy bureaucracy, as non-cardinals increasingly took part in critical missions on behalf of the popes. The Becket affair in the 1160s was resolved not by cardinals, but by other papal envoys, Masters Gratian and Vivian, in part because Becket's supporters were disheartened by William of Pavia, cardinal-priest of S. Pietro in Vincoli.[37] The example of Masters Gratian and Vivian, however, also demonstrates how trusted emissaries could in time become cardinals themselves: both were raised to the cardinalate in the 1170s.[38] The difficulty is in tracing those who did not, but it should always be assumed that they played a critical, if often overlooked, role.

## 3 The Cardinals, the Curia, and the Events of Papal Councils

Papal councils of the period saw frequent curial engagement with their proceedings, especially when the issues under consideration required detailed or specialist treatment. Surviving accounts of Leo IX's 1049 council at Reims suggest that Leo worked with cardinal-deacon Peter of Porto, his spokesman, to direct events, and the same is true of the councils from Urban II to Innocent III.[39] Brenda Bolton talks of a general use of small sessions, led by cardinals, at Lateran IV in 1215.[40] The English satirist Walter Map implies a specialist session at Lateran III in 1179 discussing heresy, specifically the Waldensians,[41] while the *Canso de la Crozada*, an anonymous vernacular account of the Albigensian Crusade, gives a detailed – albeit possibly fictionalized – account of a side-session of the 1215 council, concerning the possession of the lands

37 On the concerns raised about William, see A.J. Duggan, *Thomas Becket* (London: 2004), 128–131.

38 Brixius, *Die Mitglieder* 61, 66–67.

39 J.C. Ott, "Speech and Silence, Ritual and Memory at the Council of Reims (1049)", in Tristan Sharp et al. (eds.), *From Learning to Love: Schools, Law, and Pastoral Care in the Middle Ages: Essays in Honour of Joseph W. Goering* (Toronto: 2016), 298, 301.

40 B. Bolton, "A show with meaning: Innocent III's approach to the Fourth Lateran Council, 1215", in her *Innocent III* (London: 1995), 56.

41 Walter Map, *De nugis curialium, or courtiers trifles*, ed. and trans. M.R. James, rev. C.N.L. Brooke and R.A.B. Mynors (Oxford: 1983), 126–127.

of the Count of Toulouse and the Count of Foix in southern France.[42] In both instances, the author talks about a "great bishop" or "great prelates"; the author of the *Canso* mentions explicitly that "cardinals, bishops, abbots and priors were summoned" to the council, but refrains from explicit reference that the curia ran the session it describes. In John of Salisbury's account of the 1148 council at Reims, although the cardinals and curia played a limited role in the full council itself, their role in the consistory that began after its conclusion is clear: the cardinals are central in defeating Bernard of Clairvaux's attempt to censure Gilbert of Poitiers for heretical views.[43]

John, however, distinguishes between the council itself and the consistory that followed with its more limited audience. For him, the cardinals' principal role came in the consistory, which happened after the publication of the conciliar canons and their "interpretations and explanations", and included the 'trial' of Gilbert and the case of Ralph of Vermandois.[44] Whether any other than a close member of the clergy would have distinguished between the council and the consistory is another matter: even John, when saying that the council was "dissolved", admitted that "the most prominent dignitaries remain[ed] behind to settle other business", and it seems short-sighted to limit the events of papal councils to only those which resulted in legislation.[45]

## 4 The Role of the Curia in Transmitting and Disseminating the Acts of Papal Councils

All these instances demonstrate the importance of the cardinals and the curia in the heart of decision-making at papal councils. But events at a council, while providing a venue for conversations and discussions, only mattered if and when they were made known elsewhere. In this, the curia's role was complicated. One reason for the increasing prominence of papal legates or emissaries was their ability to project messages and ideas, and thus implicitly (and overtly) papal authority, away from the papal court. By contrast, a central purpose behind councils and synods was drawing together clerics from across Christendom in one place, with unauthorised absence subject to a sharp

42 *Canso de la Crozada*, in *The Song of the Cathar Wars: A History of the Albigensian Crusade,* ed. and trans. J. Shirley (Basingstoke: 2000), 76–81; on the *Canso*, see now C. Sweetenham, "Papal Discussions in a *Chanson de geste*: The Depiction of Crusade, the Lateran Council, and the Split Personality of the *Canso de la Crozada*", in M. Boulton (ed.), *Literary Echoes of the Fourth Lateran Council in England and France, 1215–1405* (Toronto: 2019), 128–130.

43 John of Salisbury, *Historia Pontificalis*, ed. M. Chibnall (Oxford: 1986), 23.

44 For Ralph, see John of Salisbury, *Historia Pontificalis*, 12–13; on the conciliar decrees, 8–10.

45 John of Salisbury, *Historia Pontificalis*, 10–11.

reprimand. That could sit at odds with members of the curia being used to disseminate news of the events and decisions reached there.

Conversely, the papacy often shied away from actively disseminating their conciliar acts and statutes over the period between around 1100 and 1215. Although there is some debate over whether Innocent III was directly responsible for transmitting his conciliar decrees, he certainly looked to attending prelates to carry the conciliar decrees back to their provinces, and there is some correlation between the appearance of the 1215 canons in local councils and bishops' presence in Rome.[46] In 1148, Eugenius III held councils in both Reims and Cremona, ostensibly to promulgate the same canons and give them a broader dissemination.[47] Only under Innocent II between 1130 and 1139 can a deliberate conciliar agenda, conceived and implemented by the pope and his advisors, be detected, and even then the focus was on a series of councils rather than on using cardinals or members of the curia to transmit those decisions further afield.[48] Moreover, prior to 1215 there are at best hints that any part of the papal administrative apparatus was responsible for creating versions of the acts and canons to be circulated. In 1179, William of Tyre suggests that he – or, more likely, conciliar attendees more generally – were required to make copies of the canons, rather than relying on the papal chancery.[49] The often haphazard survival of earlier conciliar canons suggests that this was not unusual.

As a result, those instances where there are clear examples of members of the curia deploying and transmitting conciliar decisions become more interesting. Three main routes can be detected: the repetition of conciliar canons in local contexts; the incorporation, by members of the curia, of conciliar decrees into legal collections and compilations; and curial accounts of councils, which may – or may not – have been broadly disseminated afterwards.

## 5 Local Councils and Synods

With legislation and conciliar decrees providing a critical witness to papal councils, the reiteration of the decrees by papal legates should, in theory, provide a clear example of the close relationship between the curia and the pope.

46 On the local use of the 1215 canons see Duggan, "Conciliar Law", 354–66; for a region-specific investigation of their impact, including Innocent's role, see e.g. P.B. Pixton, *The German Episcopacy and the Implementation of the Decrees of the Fourth Lateran Council, 1216–1245: Watchmen on the Tower* (Leiden: 1994).

47 John of Salisbury, *Historia Pontificalis* 50.

48 Somerville and Brett, "The Transmission", 228.

49 See Summerlin, *Canons*, 134–136.

Unfortunately, very few instances of direct repetition of papal decrees locally can be found, and even fewer of those involve legates sent with papal authority. The implication is therefore that either emissaries played a less central role than sometimes thought, or that local churches framed and shaped the decrees to emphasise the importance of episcopal, rather than papal, jurisdiction, in a similar vein to those identified by Rowan Dorin later in the Middle Ages.[50] Some isolated incidents can be discerned: in 1195, a council held in Montpellier by a papal legate known as 'Master Michael' may have repeated conciliar decrees from earlier in the century, although who Michael was, and the impact of the council itself, is unclear.[51] More importantly, firmer evidence can be detected for the reiteration of Innocent II's conciliar acts away from the curia, and with the direct intervention of a papal legate.

The 1139 Lateran council was the second in the series of four Roman councils held between 1123 and 1215 which would later be awarded the title "ecumenical".[52] A celebration of ecclesiastical unity following the Anacletan schism of the 1130s, it also provided the culmination of nine years of synodal activity by Innocent in France and Italy.[53] Some of its decrees made their way into the vitally important canon law collection known as Gratian's *Decretum*, providing one avenue of dating the collection.[54] As with other twelfth-century councils, its decrees circulated with some variation and when, later in the century, clerics started referring to 'the Lateran Council', they referred to Alexander III's 1179 council rather than his predecessors.[55] These details make it all the more intriguing, therefore, that the 1139 Lateran Council presents the clearest example of a member of the curia deliberately repeating papal

50 R. Dorin, "The Bishop as Law-maker in Late Medieval Europe", *Past & Present* 253 (2021), 45–82.

51 Duggan, "Conciliar Law", 339; also D. Summerlin, "Hubert Walter's Council of Westminster in 1200 and its use of Alexander III's 1179 Lateran Council", in M.H. Eichbauer and D. Summerlin (eds.), *The Use of Canon Law in Ecclesiastical Administration, 1000–1234* (Leiden: 2019), 135–136.

52 The most recent formal edition is *Conciliorum Oecumenicorum Generaliumque Decreta II: The General Councils of Latin Christendom*, ed. G. Alberigo, A. Melloni, et al., (Turnhout: 2013), 1.97–113; for an English translation from an older version, see N. Tanner, *The Decrees of the Ecumenical Councils* (Washington, D.C.: 1990). A better edition can be found in Somerville and Brett, "The Transmission", 260–271.

53 Somerville and Brett, "Innocent II's Councils", 239–44 on Lateran II.

54 A. Winroth, *The Making of Gratian's Decretum* (Cambridge: 2000), 136–139; A.A. Larson, "Early Stages of Gratian's Decretum and the Second Lateran Council: A Reconsideration", *Bulletin of Medieval Canon Law, new series* 27 (2007), 21–56.

55 C.R. Cheney, "The Numbering of the Lateran Councils of 1179 and 1215", in his *Medieval Texts and Studies* (Oxford: 1973), 203–8.

conciliar decrees locally, in a council held by Guy, cardinal-deacon of SS. Cosmas and Damian, in 1143.

Guy was somewhat of an Iberian specialist, making several trips as papal legate.[56] In 1143, he held a council at Valladolid, the decrees of which were published for the first time in 1927.[57] Guy's statutes built directly on Innocent's 1139 canons rather than recasting, changing, or adapting canons, as would later happen in the later legation of Hyacinth Bobone, who also held a council at Valladolid in 1155.[58] Twenty-four decrees survive, issued by Guy in 1143. Of these, only two – cc. 22 and 24 – did not replicate, more or less directly, decrees of 1139. Some additions are superficial changes in wording or the additional of authorities: in the 1143 council, the canon which voided the marriages of clerics in the subdiaconate or above, or regular canons, inserted the phrase "as it was established by the lord pope Innocent", making a clear link to the earlier decree.[59] Others reveal more of the editorial and selection process. C. 20 repeats what would become a standard protection clause for clerics and non-combatants.[60] Reflecting the atmosphere of Iberia in the 1140s, it adds Knights Templar and Hospitaller to those protected, and institutes a sentence of excommunication for those who break the decree.

These changes, and the additions of two canons on local material, suggest that local conditions framed and shaped the statutes. It is not a stretch to imagine that Guy, an Iberian specialist, was involved in the selection of the decrees. Yet the verbatim repetition of decrees from the 1139 Lateran Council shows that Guy, or whoever in his entourage was responsible for the decree, must have had a copy of the 1139 canons to hand: such close parallels are explainable only by direct citation. Not only, therefore, does this show the conciliar decrees being used, it firmly places them in the hand of a cardinal, or one of his entourage, and shows how cardinals could promote and transmit the decrees of papal councils.

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56 Letters survive for some of these, included in S. Weiß, *Die Urkunden der päpstlichen Legaten von Leo IX. bis Coelestin III.* (*1049–1198*) (Cologne: 1995), 118–24.

57 *Papsturkunden in Portugal*, ed. C. Erdmann, Abhandlungen der Akademie der Wissenschaften in Göttingen, Philologisch-historische Klasse, neue Folge 20 (1927), 198–203 (no. 40); see now the account in A.J. Duggan, "*Jura sua unicuique tribuat*: Innocent II and the advance of the learned laws" in Doran and Smith (eds.), *Pope Innocent II* (*1130–43*), 300–1.

58 D.J. Smith, "The Iberian legations of Hyacinth Bobone", in J. Doran and D.J. Smith (eds.), *Pope Celestine III* (*1191–1198*)*: Diplomat and Pastor* (London: 2008), 83–86, 91–93.

59 1143 c. 8 (c. 7 from 1139): *Papsturkunden in Portugal*, 200.

60 1143 c. 20 (c. 11 from 1139): *Papsturkunden in Portugal* 201–2, compared to the version of the canons in Somerville and Brett, "Innocent II's Councils", 265.

## 6 Papal Copies of Conciliar Canons

Guy was not the only cardinal known to have possessed copies of conciliar canons. Some were transmitted through non-canonical means, but among the most interesting versions are those related to the increasing legal education of the curia and its members. By the 1180s, the papacy saw the first popes who received extensive legal training, in Urban III and Gregory VIII, both of whom had previously served as cardinals. Among their fellow canonists in the cardinalate was Laborans, first cardinal-deacon of S. Maria in Porticu and, from 1180, cardinal-priest of S. Maria trans Tiberim.[61] Laborans used the decrees of a papal council in a different, more interesting, way than Guy, and in so doing provides a rare curial copy of the 1179 Lateran canons. By the time Laborans entered the cardinalate in the 1170s, the *Decretum* of Gratian was well-established as a canonical collection of fundamental importance in learned circles.[62] Laborans attempted to rework the *Decretum*: a genre Stephan Kuttner called a *Transformatio*, of which relatively few examples survive.[63] Although based on the contents of the *Decretum*, Laborans' *Compilatio Decretorum* changed its structure and made additions: in the sole major study of the work, the editor listed eighty-five pages worth of additional canons beyond those already in Gratian.[64] Often these additions by Laborans were recent legal precedents, but in the sole surviving manuscript the 1179 Lateran council canons appear in the margin. Alongside the copy of the canons included in the thirteenth-century *Liber Censuum* in the Biblioteca Riccardiana in Florence, the *Compilatio* provides the major curial witness to the decrees issued at the 1179 council. It is nevertheless incomplete. One canon, that referring to the Templars and other Military Orders, is missing. With the surviving manuscript thought to be Laborans' autograph, it provides a critical witness that the use of these decrees by a canonist within the papal curia was not enough to ensure a broad circulation of all the decrees issued.

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61 Brixius, *Die Mitglieder*, 63–4.

62 P. Landau, "Gratian and the *Decretum Gratiani*", in K. Pennington and W. Hartmann (eds.), *History of Medieval Canon Law in the Classical Period, 1140–1234: From Gratian to the Decretals of Pope Gregory IX* (Washington, D.C.: 2008), 46–47, 48–49.

63 S. Kuttner, *Repertorium der Kanonistik (1140–1234): prodromus corporis glossarum* (Vatican City: 1937), 257–61 lists three, including Laborans', which is now Vatican City, Biblioteca Apostolica Vaticana, Arch.Cap.S.Pietro C.110.

64 N. Martin, *Die Compilatio Decretorum des Kardinals Laborans: Eine Umarbeitung des Dekrets aus dem 12. Jahrhundert* (PhD thesis, University of Heidelberg: [1985] 1994), 154–239; K. Pennington and W.P. Müller, "The Decretists: The Italian School", in Pennington and Hartmann (eds.), *History of Medieval Canon Law in the Classical Period, 1140–1234*, 124–125.

## 7 Conciliar Narratives

The final route through which the curia affected the dissemination of conciliar canons, and the one which by some irony may also have been the most effective, was not a legal route: the narratives of councils written from inside the papal curia. Two survive for the twelfth century, John of Salisbury's *Historia Pontificalis*, which told the story of John's years at the papal court, and the twelfth-century expansion of the *Liber Pontificalis*, especially the *Life* of Alexander III by his chamberlain Boso. While Boso's account of Innocent II's 1139 council survives, it is more limited, noting that the council took place and detailing two conciliar decrees: *Si quis suadente*, which prohibited the laying of violent hands on clerics, and the decree voiding ordinations and decisions made by Anacletus II due to his schismatic status.[65]

A fuller account survives for Alexander's councils, however. Boso, possibly an Englishman, was appointed cardinal-deacon of SS. Cosmas and Damian by Adrian IV and elevated, from 1166, to Cardinal-priest of S. Pudenziana, and was present with Alexander during his exile, including the gatherings held at (putatively) Montpellier in 1162 and (definitely) Tours in 1163.[66] As a result, he is the closest that we have to a curial eyewitness for any of Alexander's councils, although the almost hagiographical nature of his account means it must be read judiciously and with a full awareness of its limitations. Boso's two accounts are markedly different. For Montpellier, his focus is the grandeur of the occasion, with the emphasis firmly on using the council to support Alexander's claim to the papacy.[67] At Tours, by contrast, he briefly mentions the events of the council, instead focussing on the conciliar canons that were issued. He mentions explicitly that Apostolic Constitutions were reaffirmed before, speaking of 'new constitutions', listing nine of the ten canons attributed to the council.[68] Even the existence of a curial witness, however, was not sufficient to ensure that conciliar decrees circulated as they had been conceived. Somerville pointed to the variety of other acts of Tours that appear scattered throughout the tradition, but are absent from Boso: while 'c. 10' may be genuine, the others were spurious.[69]

65 L. Duchesne, *Le Liber Pontificalis: Texte, introduction et commentaire* (4 vols, Paris: 1886–1957), 2.383.

66 Boso's *Life of Alexander* is in *Liber Pontificalis* 2.397–446; an English translation is also available and cited here: Boso, *Boso's Life of Alexander III*, trans. G.M. Ellis (Oxford: 1973).

67 Boso, *Life of Alexander*, 53–54.

68 Boso, *Life of Alexander*, 59–62; Somerville, in his analysis of the council, believed the tenth canon to be spurious: Somerville, *Council of Tours*, 39–41.

69 Somerville, *Council of Tours*, 45–48 on c. 10 and 39–45 for an analysis of the other canons.

## 8 Conclusion

After all this, what can we say about the role of the cardinals and the curia in papal councils of the 'long' twelfth century? Fundamentally both cardinals and the curia more broadly were instrumental in organizing councils, carrying the summons and aiding local bishops in their preparations. While less prominent members of the curia could be overlooked in the grandeur of the occasion, the cardinals were a fundamental part of its ritual magnificence, sitting near the pope in majesty throughout the period. For some of those outside the curia, this display succeeded in its intent of inducing awe in the viewer. For others, the internal politics of the curia were visible beneath the surface. To know and understand the curia, as for example John of Salisbury did, allowed the viewer to see beyond the image presented, and to understand that while the curia could work together to achieve common goals, it could also be split by internal rivalries. Moreover, the overlap between sessions of the consistory – featuring predominantly the curia – and the council – featuring other clerics – was clear to seasoned observers, but potentially less visible to those who were interested in telling the story of a papal council, rather than specific cases that it considered. This is not the place to engage in a detailed analysis of the differences between the two, but as a more expansive definition of papal councils emerges then a greater overlap could be seen between the two. The critical point remains, however, that the curia – cardinals and non-cardinals alike – were central to both the majesty and the practical aspects of papal councils in this period, even as the authority of individual popes increased over the long twelfth century.

CHAPTER 7

# A Most Fortuitous Alliance: the Roman Curia and the Mendicant Orders in the Thirteenth Century

*Donald S. Prudlo*

When Francis of Assisi tramped into Rome with several followers, sophisticated members of the Roman Curia were likely less than impressed. Not only was he unschooled and unskilled, a public penitent from a marginal *comune*, he had gone outside the chain of command and had neglected to ask his bishop Guido to obtain permission for a journey that seemed to be a fool's errand. Having little opportunity of seeing the pope, a member of the Curia, Cardinal John of St. Paul, volunteered to be their proctor.[1] The intervention of this cardinal – a former Benedictine abbot – proved providential for the young group. He had been active in mediating Innocent III's relations with other societies dedicated to apostolic poverty, reconciling several of them to the Church and authorizing their way of life.[2] John and Innocent demonstrated that the Curia was capable of learning important lessons. In 1173, a similar body of penitents had approached Pope Alexander III for approval. Alexander delegated the gossipy courtier Walter Map to dispute with the men, called the Waldensians. He showed them to be ignorant in theology and embarrassed them publicly, leading to their eventual separation from the Church. This time it would be different.[3] John broached the matter of Francis with Innocent at one of the biweekly consistories where Cardinals could propose new business. He likely advised Innocent provisionally to approve the small fraternity, following a policy that now worked to reconcile, rather than alienate, such wandering penitents. Critically, Innocent made one stipulation: they had to receive tonsure as

1 For Francis and this episode in particular, see especially A. Thompson, *Francis of Assisi: A New Biography* (Ithaca, NY: 2012), 196–199.

2 A. Hoose, "Durán of Huesca (c. 1160–1230): A Waldensian Seeking a Remedy to Heresy." *Journal of Religious History* 38.2 (2014): 173–89; A. Lappin, "From Osma to Bologna," in *The Origin, Development, and Refinement of Medieval Religious Mendicancies*, ed. D. Prudlo (Leiden: Brill, 2011), 38–39; and Andrews F., "Innocent III and Evangelical Enthusiasts: The Route to Approval." *Pope Innocent III and His World* (Ashgate: 1999): 229–241.

3 For the event see E. Cameron, *Waldenses: Rejections of Holy Church in Medieval Europe* (Oxford: 2000), 15–17.

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clerics.[4] This gave them benefit of clergy, and shielded them from accusations of heresy, though at the same time – and quite apart from Francis's intention – it put them on a trajectory to become a religious order, well defined within the Catholic hierarchy. The followers of Francis and Dominic of Caleruega, from such utterly humble beginnings, would take the Christian world by storm. From the pulpits of Christendom to the magisterial chairs of the great universities, the begging orders went from strength to strength, to such an extent that within sixty years of their founding both orders would have their members elected as successors of St. Peter.

None of this would have been possible save for the close collaboration between the orders and the Curia. At first such cooperation was sporadic and accidental, however within a decade of the founding mendicants and curial officials had established a strong working relationship, one that saw increasing enlistment of the friars themselves into the higher echelons of Church administration. Such a partnership was focused on four main axes of influence. These are patronage, privileges, public worship, and property. The intersection of interests produced by these four made the relations between the Curia and the orders increasingly warm and familiar, until the mendicants themselves became integral members of the papal court. Further, this cooperation arose at an opportune time. For the previous 150 years, the court at Rome and its sympathetic partisans had been articulating an increasingly centralizing ideology. The Gregorian reformers' conception of the papacy as the hub of a wheel was theoretically attractive, but largely remained on that level.[5] Only slowly were techniques of governance worked out that helped this theory to become implemented on the ground, with initiatives such as the periodic Lateran synods, the centralization of canonization, the dispatch of legatine missions with plenipotentiary powers, and the streamlining of Church law. However, ecclesial governance in the Christian world remained a diffuse thing. Local bishops and synods still held immediate power and monasteries and convents remained independent. There was no Christendom-wide corps that could personally represent papal interests locally. Most monastic reform movements were too rural and scattered, while the apostolic preaching movement was still

4 Thompson, *Francis*, 28–30, 198.

5 General studies on Gregorian theory can be found in J.T. Gilchrist, *Canon Law in the Age of Reform, 11th–12th Centuries* (Aldershot: Ashgate Variorum, 1993); I.S. Robinson, *The Papal Reform of the Eleventh Century: Lives of Pope Leo IX and Pope Gregory VII*, Manchester Medieval Sources Series (Manchester: 2004); U.R. Blumenthal, *Papal Reform and Canon Law in the 11th and 12th Centuries* (Routledge Revivals, 2021); and W. Ullmann, *The Growth of Papal Government in the Middle Ages: A Study in the Ideological Relation of Clerical to Lay Power* (London: 1962).

in its infancy and was corralled only with difficulty by the institutional Church. What developed between 1215 and 1230 was the appearance of a rapidly growing body of elite men dedicated to Catholic orthodoxy who were – because of their dependence on the Roman court – equipped to advance and defend papal claims, chipping away at territory controlled by the local hierarchies, particularly in areas such as education, sacramental administration, and financial practices. In many ways mendicants functioned as a sort of remote Curia, making papal governance visible. Rooted in this reality, the symbiotic relationship that would characterize the next 100 years gradually arose and matured.

## 1 Patronage

In the first place, the astonishing growth of the orders is not to be attributed solely to the charisma of Francis or the foresight of Dominic. Indeed, no growth at all would have been possible without the active collaboration of the members of the Curia, which cooperated with the policies of a series of supportive popes. In earlier histories of Francis and his order, particularly those in the tradition of Sabatier, assertions were often raised that there was active curial opposition to the new orders, however this is without support in the primary sources.[6] There was certainly opposition later, but this was only after the orders had been firmly ensconced in the halls of power. All narrative and curial documentation suggests that there was intimate cooperation between the Curia and the friars, at least until the pontificate of Innocent IV (r. 1243–1254). If there was any opposition, it was more general and surrounded the implementation of canon 13 of Lateran IV that forbade new religious orders, and was not directed at the Franciscans in particular. 1 Celano, the first biography of Francis, darkly alludes to powers that were trying to oppose the order, but does not mention the Curia in particular.[7] Indeed, Cardinal John of St. Paul was not the only friendly churchman in Rome. In his admiration for the friars he was joined by Cardinal Hugolino. Hugolino was Bishop of Ostia and dean of the Sacred College and would later be elected pope. There was also Cardinal Thomas of Capua, who was Major Penitentiary from 1219 to 1239.[8]

6 This historiographical story is traced in Thompson, *Francis*, 153–161.

7 "O quanti, maxime in principio cum haec agerentur, novellae plantationi ordinis insidiabantur ut perderent!" 1 Celano 1.27.74, *Francis of Assisi: The Saint – Early Documents*, R. Armstrong, J.A. Hellman, and W. Short (eds.) (New York: 2019), 246. Hereafter FAS:ED.

8 For Thomas see, H-M. Schaller, K. Stöbener, and M. Thumser, *Handschriftenverzeichnis zur Briefsammlung des Thomas von Capua* (Wiesbaden: 2017), xlvii–lxv.

He wrote poetry and hymns dedicated to Francis, while personally intervening in local disputes in favor of both Franciscans and Dominicans. Men like these were powerful allies. Affection for the new friars was 'safe' in a Curia otherwise dominated by familial and political rivalries, particularly when the predilection of the popes was so evident.[9] To give but one example, one day around 1218 Francis was invited to preach to the assembled Curia. Hugolino was apprehensive, not because he had existential concerns about the survival of the friars, rather he was mostly worried that Francis would not embarrass himself when he preached to the Curia because of the brother's jumpy and ill-prepared style. It appears that his misgivings were in vain since the curial bureaucrats went away edified and pricked in conscience and – when Francis later met the Curia in Rieti – "he was most kindly and honorably received by the whole Roman Court which was then residing in that same city."[10] It does not appear then that resistance to the new orders can be traced to the Curia.

Francis eagerly placed himself and his brethren under the protection of curial associates. While this certainly dovetailed with his desire to a 'lesser brother,' and with his love/hate relationship to his own position of leadership, it also proved to be a canny move. First with John of St. Paul, and especially later with Cardinal Hugolino, there was always a voice present at the papal court to defend and articulate the Franciscan vision of the religious life. Francis knew his deficiencies, he needed someone who was a canon lawyer who could regularize his mission and defend his ideal. Oral papal approval was fine in 1209, but a decade of growth demanded the creation of a formal rule that could support such a numerous brotherhood. In 1217 Cardinal Hugolino became proctor for the order, and agreed to attend the chapters of 1218 and 1219, where he would regularize the haphazard customs that the Minorites had been living under. The founder appeared content with this arrangement. Indeed, he only condemned appeals to the Curia in his *Final Testament*, wistfully hoping that his order could live solely on the providence of God.[11] If Francis was the living spirit behind his friars, Hugolino provided a workable body. This relationship

9 M. Robson, *St. Francis of Assisi* (Herndon, VA: 2007), 77.

10 "Perveniente igitur eo ibidem benigne satis et honorifice susceptus est a tota Romana curia." 1 Celano 2.5.99. *FAS:ED*, 267.

11 "And I firmly command all of the brothers through obedience that, wherever they are, they should not be so bold as to seek any letter from the Roman Curia either personally or through an intermediary." Francis of Assisi, "Testament," *FAS:ED*, 124–128. Of course, at this point of his life, Francis could compel no one through obedience, but only through moral suasion. There does not seem to be any uneasiness about curial oversight until the very end of his life, indeed he happily deferred to Hugolino with regularity, and permitted him to regularize the brethren.

with the order only deepened after Hugolino was elected Pope Gregory IX in 1227 and canonized the founder in 1228. The institution of the proctor, later to be called the 'Cardinal-Protector' was axial in regularizing Francis's followers, ensuring them a permanent place in the church, while at the same time respecting the founder's vision in so far as was actually practicable.[12]

For many years, the Franciscans were the only order to enjoy the patronage of such an officer, indeed one could say that their possession of such a defender gave them a massive advantage over other religious families.[13] None of the recently reconciled or regularized groups enjoyed such protection. While older orders had some of their members who were Cardinals, church law dispensed these from their former obediences and rules when they became bishops, though they might still wear the habit or follow some of the rule out of devotion. Only the Franciscan friars had a protector that was distinct from and superior to the whole fraternity, a division of interest and labor that allowed for dispassionate defense before the court and freed the friars for internal governance and expansion. Yet the possession of such a singular defender was a double-edged sword. Francis's congenital dislike of leadership meant that it was often Hugolino who was the motivating force for legal and structural change in the order, a reality that only increased after his election as pope. In a very real way, at least until the 1240s, the protector *was* the Minister General. I am of the opinion that this entailed no primal fall from pure Franciscan ideals, but rather was evidence of curial predilection and guidance sufficient to enable the Order to survive and indeed to achieve success beyond anyone's expectations. Later Ministers General and Franciscans would largely forget Francis's final admonition against appeals, because even he had an ambiguous relationship to them. While disdaining formal appeals, in the protector Francis essentially had a living appeal-granter who could accomplish the same thing as written rescripts.

12 James M. Powell argues that the office was created to blunt papal opposition in his "The Papacy and the Early Franciscans", *Franciscan Studies*, 36, 1976: 248–262. His only substantive arguments in favor of such opposition are 1 Celano 1.27.74, which is a vague reference that does not mention the curia, and the approving but worried attitude of Jacques de Vitry, who was not at the curia until 1229. Indeed, de Vitry remarks on how well the order was received by pope and cardinals alike. Ibid., 254n22. Given what I have argued here, there seems to be little support for early curial opposition.

13 See A. Witte, "Cardinal Protectors of Religious Institutions," in *A Companion to the Early Modern Cardinal*, M. Hollingsworth, M. Pattenden, and A Witte (eds.) (Leiden: 2020): 125–127. For the Franciscan proctor, see especially: B. da Siena, *Il cardinale protettore negli istituti religiosi specialmente negli Ordini Franciscani* (Florence: 1940). The next order with a Cardinal Protector was the Augustinian hermits in 1256, while the Dominicans did not receive one until the 14th century.

When the personal relation between Francis and Hugolino had passed, then recourse was simply made to more standard institutional procedure.

## 2 Privileges

The founder of the Friars Preachers held no such reservations about appeals to the Curia. Dominic was, in the best sense, a consummate churchman and an administrator of the highest caliber. He had already been in a well-established order as an Augustinian Canon attached to a Cathedral, rising to the position of subprior of the convent and becoming the equivalent of chancellor of the diocese of Osma. He was well-trained and a model of prudence, who pursued legislation both internal and Curial to ensure the success of his fledgling order. At first Dominic closely cooperated with Bishop Fulk of Toulouse and the Papal Legates in Languedoc to erect his order, which began life as a local group of canons attached to a church. Dominic pushed further along the path to institutionalization by the affiliation of increasing numbers of female converts from Catharism. Erecting houses for them provided the initial impetus for the foundation of the men's branch, which was finally formally established in late 1216 and early 1217.[14] From this point Dominic was almost always present at the Curia, not only consulting canonists regarding the formation of his brilliant constitutions but requesting and receiving repeated promises of Roman favor. A glance at the breakdown of bulls for the pontificate of Honorius III (1216–1227) demonstrates something of Dominic's strategy in obtaining curial privileges. 34 bulls from Honorius's court are recorded in the *Bullarium ordinis Fratrum Praedicatorum*.[15] Besides the two initial bulls of confirmation, fourteen are bulls of recommendation to various powers throughout Christendom. Dominic obtained these bulls in order to equip his friars to meet challenges from governing authorities and to certify their orthodoxy and Roman approbation. Nine were concessions of privileges, the most important being the granting of the use of private, portable altars. As a clerical and itinerant order, such a concession was critical for it meant that they did not have to rely on the kindness of local clergy, nor did they have to wait for the formal episcopal consecration of altars when they built churches. It was the first example of a progressive

14 The best biography of Dominic is still M-H. Vicaire, *Saint Dominic and His Times*, trans. K Pond, (New York: 964), supplemented by the comments in the series by S. Tugwell, "Notes on the Life of St. Dominic," *Archivum Fratrum Praedicatorum*, 65–68.

15 *Bullarium Ordinis Fratrum Praedicatorum*. 7 vols., Ed. T. Ripoll (Rome: Ex Typographia Hieronymi Mainardi, 1759), hereafter *BOP*.

liberation granted by the Curia to the orders that enabled them to begin to circumvent the established ecclesiastical powers. Five were commendations of churches to the order and the final two were bulls dealing with internal regulations, particularly forbidding those who affiliated with the order from leaving it. That so few bulls pertained to the internal ordering of the friars shows how effectively Dominic's constitutional arrangements had been.[16]

I would propose 1227 as the key year in the transition between the Curia merely aiding the establishment of new orders and the active cooption of them in service of the prerogatives of the Holy See. It was that year the Hugolino became Pope Gregory IX. It is then that the number of bulls began to skyrocket. During his rule no fewer than 205 were recorded in favor of the Dominicans. In fact, this number pales in comparison to the number of more common letters from the Curia that had to do with things like indulgences, local regulations of Dominican confraternities, or settlements of legal questions having to do with single convents or individuals, documents that the friars were exceptionally skilled at acquiring from the Curia. Had these been included the number would likely exceed 1,000. With Gregory's long experience as Cardinal Protector, and with the mendicants going from strength to strength, it was his foresight that cemented the curial alliance. Indeed, we find in 1227 several indications that the Roman Curia had realized the utility of the mendicants and had begun to target legislation that would aid them in their mission while at the same time promoting a centralizing policy. In that year we find many instructions forbidding bishops from interfering with the internal life of the Dominicans, particularly in the matter of elections. The sheer number of these indicate not only the degree of local opposition but also that it was a common curial policy to issue such injunctions for any community of Preachers that requested it. Contained therein are concessions that encouraged affiliation with the friars, such as those that automatically lifted *latae sententiae* excommunications from men who joined the Dominicans. One also finds letters that allow the Preachers to make direct appeals to the laity, for instance by organizing them

16 *Constitutiones Antiquae Ord. Frat. Praedicatorum*, ed. H.C. Scheeben, Analecta sacri ordinis fratrum Praedicatorum 2, (Rome:1895), supplemented by A.H. Thomas, *De Oudste Constituties Van De Dominicanen; Voorgeschiedenis Tekst Bronnen Ontstaan En Ontwikkeling (1215–1237)* (Leuven: 1965). For the constitutional achievement of Dominic, see G. Melville, "The Dominican Constitutiones," in *A Companion to Medieval Rules and Customaries*, ed. K. Pansters (Leiden: 2020), 253–281; as well as the still remarkably useful studies: R.F. Bennett, *The Early Dominicans: Studies in Thirteenth Century Dominican History* (Cambridge: 1937); G. Galbraith, *The Constitution of the Dominican Order: 1216–1360* (New York: 1925); and E. Barker, *The Dominican Order and Convocation: A Study of the Growth of Representation in the Church during the Thirteenth Century* (Oxford: 1913).

into anti-heretical confraternities, allowing burial in their churches, and giving permission to attend the friars' services during a period of interdict. All of these served to deepen the popularity of the friars among everyday Christians, while at the same time detaching the lay faithful from traditional parochial and episcopal structures. Such legislation served to undermine immemorial bonds to local churches, adding new leaven but at the same time causing massive irritation and resentment. It would be these last permissions that would generate the most resistance over the course of the thirteenth century. So adept did the Dominicans become at obtaining legislation that it was said that Gregory coined a new verb just to affirm how easy it was for the friars to gain curial documents. Just ask me for anything, he was supposed to have said, and 'Ego Bullabo' 'I shall bull it.'[17] It was hardly different with the Minorites. While Francis himself was ambivalent towards privileges, on one hand denouncing appeals to the Curia and on the other accepting various papal and curial signs of predilection, his followers showed no such reticence, and indeed Matthew Paris, with no little jealousy, comments how effective the Minors became at obtaining such favors.[18] In analyzing the Franciscan Bullarium, an almost direct parallel to Dominican patterns of procurement becomes apparent. They too received a shower of protection and affection from the Roman See.

## 3 Public Worship

One of the most fundamental privileges accorded to the orders (indeed conceded without Francis's opposition) was that of being able to use portable altars. The Mendicant orders were a new thing in the church, formally instituted groups of clerics, the vast majority of whom would become priests. These priests were attached to no particular location, either a diocese like secular priests, or a church like canons and monks. They were 'free agents.' Yet the overseer of worship in each place was the bishop. In each town the early friars went they had to petition for permission publicly to celebrate the liturgy. From unfriendly quarters this proved an easy way to head off their progress. Dominic and Francis saw this problem and developed a work around with the Curia. They would acquire the right to celebrate mass on private altars,

17 T. Cantimpré, *Miraculorum et exemplorum memorabilium sui temporis. Libri duo* (Douai: 1597), 1.573. Cf. D. Mortier, *Histoire des maîtres généraux de l'Ordre des frères prêcheurs*, 8 vols. (Paris: 1902–1920), 2.330.

18 Matthew Paris, *Historia Anglorum, Sive, ut vulgo dicitur, Historia Minor*, ed. F. Madden, Rolls Series, 44 (London: 1866), 2.109–110.

enabling them to carry with them all the paraments necessary for the celebration of the Eucharist. Though the Bishop was still the moderator of public liturgical celebration, the wandering groups of friars had the ability to live their orders' charisms while they established themselves in the cities and towns of Christendom, nor would they ever be without the requisites for celebration even when they were on the road. This development paralleled the increasing deployment of low mass, as opposed to sung or solemn masses that were the norm in established communities. The simplified ritual enabled clerics quickly to say Mass and return to their ministries.

Yet attendant upon the global mission of the orders was a further concern. While there was broad commonality across Latin Europe in terms of ultimate descent from a common Roman rite, there were innumerable local usages, prayers, and ways of organizing the missal and the divine office. Some of these usages were so distinct as to merit being called liturgical families themselves, such as the rites of Paris, Lyon, Braga, or Sarum in England. Even in Italy one could find the Ambrosian rite, and the usages of the various cathedral churches of the city-states.[19] Ordinarily a Christian would worship according to the rite in the place where they found themselves. While this was no issue for a layman or a local cleric, this posed a problem for an order that was trying to keep internal cohesion across the whole face of Christendom. In this case the mendicants approached the problem in distinct ways. The Dominicans immediately saw the inconvenience of celebrating according to the rites of the places that they travelled. They were itinerant, moving from city to city. Having to learn the new rites each time was a massive encumbrance, especially when so much rubrical knowledge was preserved only by oral tradition. Further, even when the Dominicans settled permanently in a certain spot, their celebration of local rites impeded any sort of liturgical uniformity across the order, particularly when they travelled or came together. This unsatisfactory situation continued for the first twenty years, until the prescient Humbert of Romans undertook a systematic revision of the order's liturgy in the 1240s and 1250s, that established a simplified Romano-Gallican ritual as the basis for the Dominican Rite of the Catholic Church, celebrated wherever the friars went.[20] Liturgical uniformity had been achieved, liberating the Preachers from local usages and further deepening the unity of an already cohesive order.

It is the case of the Franciscans however that is so critical in understanding the role of the Curia. In the Roman See there were essentially two forms of the liturgy that were celebrated. The first was the exceptionally ancient and

19 See A.A. King, *Liturgies of the Primatial Sees* (London: 1957).

20 W.R. Bonniwell, *A History of the Dominican Liturgy 1215–1945*, 2nd ed. (New York: 1945).

complex liturgy celebrated at St. John Lateran, one common to all the major basilicas. The Roman Curia, however, was itinerant, moving from city to city, occasionally even in residence outside of Italy. It could not afford the massive expenditure of time and talent necessary properly to execute the liturgy of the papal basilicas. Under Honorius III and Gregory IX there occurred a substantive simplification of the Court liturgy into a form that could easily be celebrated by the busy officials of the Roman See.[21] Gradually many came to see the benefits of this streamlined missal. Some, like the Order of the Holy Spirit and the Augustinian hermits, requested permission to use the liturgy, others like the canons of Genoa, were commanded to adopt the rite. In 1204 the Bishop of Assisi, a close cooperator of Innocent III who had personally witnessed the benefits of the curial liturgy, adopted it for his diocese. Francis therefore experienced and lived this curial liturgy as normative in his life before and during the foundation of his order.[22]

As a result, the early Franciscans adopted this shorter office and streamlined missal. At the head of each Franciscan liturgical book one can find inscribed: "Incipit ordo missalis fratrum minorum secundum consuetudinem romane curie." Indeed, it is in Franciscan manuals that we find some of the first written evidence for this development in papal liturgy. This should not be surprising, since clerics resident at the Curia one could learn the rite from personal and oral experience. Far flung friars did not have that option. If they were to adopt the curial liturgy, they would have to write it down and send it to all the convents of the order. This was done by Haymo of Faversham, who in many ways was a second founder. It was he in the 1240s who, having procured a flurry of bulls from the Curia, completed the final clericalization of the Franciscan order, and who then authored instructions for the proper celebration of the curial liturgy. Indeed, his edition of the mass, called *Indutus Planeta*, became the model for all subsequent celebrations of the Roman Low Mass, while his more developed work, called *Paratus*, later became the basis for all celebrations of the Roman liturgy up to 1969.[23] The Franciscans carried the Curial liturgy wherever they went.[24] Even if it was not their intention, the attraction of

21 "Worship within the Lateran palace had developed hand in hand with efficiency … Its matured simplicity and structure of content was enhanced by a quickened tempo and a practical equipment." S.J.P. Van Dijk, *The Origins of the Modern Roman Liturgy: The Liturgy of the Papal Court and the Franciscan Order in the Thirteenth Century*, trans. J.H. Walker (Westminster, MD: 1960), 416.

22 Ibid., 117.

23 Ibid., 292–312.

24 Van Dijk doubts that the Franciscans were critical in spreading the curial liturgy, however new research by Anna Welch dispells such misgivings. See her *Liturgy, Books, and Franciscan Identity in Medieval Umbria* (Leiden: 2016), 53.

the rite was irresistible. Order after order, and diocese after diocese adopted it, until it became normative for the whole Latin Church in the Tridentine Missal of 1570. Though it seems it was an entirely accidental development, by the 1270s the Franciscan scholar John Pecham could project back the idea that the Minorites adopted the curial liturgy so that it would cement them to Rome forever.[25] Even at that early date a mythos had already been generated, seeing a providential symbiosis between the Curia and the friars, all for the good of the Church. As Van Dijk asserted, "The success of the later Roman books was due not to the appeal of the Franciscan mode of life, nor to the widespread activities of the order, nor even to the sober liturgy which these books contained but, primarily, to the manner in which this liturgy was presented. This presentation overcame the initial apathy of the friars; it allowed the Order to fulfill its vocation with more profit, it made its liturgy admired by the many who, in one way or another, shared its activities, and thus, ultimately, it changed the course of western public worship."[26] There was perhaps no more successful policy for the expansion of curial influence in the whole of the Church than the Franciscan deployment of the Roman liturgy. It created *ex nihilo* a universal Roman liturgical jurisdiction that had never existed in the history of the Church. The universalizing liturgical legislation of 1570 would have been unthinkable overreach just 300 years before.

## 4 Property

Another area where the Franciscans and the Curia engaged in a mutually beneficial relationship was in the area of property. The long and tortuous history of Francis's relation to poverty and property has been treated at considerable length. It has also become clear in recent scholarship that the neuralgic issues surrounding the possession of property in the order really only arose generations after Francis' death.[27] I am not interested in rehashing those arguments, but only in the more restricted question of how the property issues of the Franciscans were managed by the Roman Curia. During the 1220s the Franciscan order was growing enormously. Certain material provisions were necessary for a group that quickly came to number in the thousands. This led

25 John Pecham, see ps. Bonaventure, "Expositio super regula," *Opera Omnia*, 9 vols (Quarracchi: Ex typographia Collegii S. Bonaventurae, 1882), 8.407a–407b.

26 Van Dijk, *Origins*, 312.

27 See especially, D. Burr, *The Spiritual Franciscans: From Protest to Persecution in the Century after Saint Francis* (University Park, PA: 2001). He offers the best bibliographical overview of the controversy.

to the issue of convents, or permanent residences for the friars in the cities of medieval Europe. How was such a significant material possession to be reconciled with Franciscan poverty?[28] Once again, the answer came from the Curia. In 1230 Cardinal Hugolino, by now Pope Gregory IX, issued the bull *Quo elongati*.[29] In it he cleared up the murky situation surrounding the numerous rules and testaments of St. Francis, and created a brilliant legal fiction that later came to be called *usus pauper*.[30] Recognizing the necessity of housing and consumables for the burgeoning order, he ordered that all donations of money to the order be handled through a proctor called the *amicus spiritualis*, while real property was to be reserved into the hands of the papacy or the Cardinal-Protector. In this manner the Franciscans would be able to observe their rule about poverty and about handling money, while at the same time would have use of all the material necessities for engaging in their ministries. Far from being some sort of mythical Edenic fall, the Roman solution was brilliant, and no voices were raised against it for decades. In one fell swoop, *Quo elongati* ensured the continued existence and success of the Franciscan order, not to mention tying it ever more closely to the Roman See, and ensuring the further extension of papal and curial influence wherever the friars went.

The situation went on mostly unchanged and unchallenged for fifteen years, until the reign of Innocent IV. A canonist by training, Innocent was not as sensitive to Franciscan sensibilities and approached the order in a rather high-handed way. When resident in Assisi he immediately deposited the entire papal treasury in the Sacro Convento, heedless of Franciscan claims to poverty (though it does not seem that this generated particular controversy at the time). In 1245 this pope further refined Gregory's legislation with the bull *Ordinem vestram*.[31] This document spells out that the proctors were no longer bound only to pay for necessities, but could initiate transactions for anything the friars found useful. He also finalized the distinction between *usus* and *dominium*

28 M. Lambert, *Franciscan Poverty: The Doctrine of Absolute Poverty of Christ and the Apostles in the Franciscan Order, 1210–1323*. Rev. and expanded ed. (St. Bonaventure, NY: Franciscan Institute, 1998). See also M. Brunner, "Papal Interventions in Mendicant Organisation: Pope John XXII and the Franciscans," in *Franciscan Organisation in the Mendicant Context: Formal and Informal Structures of the Friars' Lives and Ministry in the Middle Ages*, M. Robson and J. Röhrkasten (eds.) (London: Lit, 2010): 353–376.

29 *Bullarium Franciscanum Romanorum Pontificum: Constitutiones, epistolas, ac diplomata continens Tribus Ordinibus Minorum, Clarissarum, et Poenitentium a seraphico patriarcha Sancto Francisco institutis concessa ab illorum exordio ad nostra usque tempora*, ed. G.G. Sbaralea, 4 vols. (1759; repr. Assisi: Edizioni Porziuncola, 1983), I.68–70. Hereafter *BF*.

30 Lambert, *Franciscan Poverty*, 86–89.

31 Ibid., 100–104. *BF*, I.400–402.

and, for the first time, assumed direct ownership of all Franciscan property in "ius et proprietarium beati Petri."[32] By that time the order numbered over ten thousand friars who resided in cities all over Europe. The amount of property was staggering. How did such a bounty begin to appear in the financial transactions of the Roman Church? In short, it never did. These lands and houses never appeared in the fiscal records of the Roman See. The *Dominium* of Rome over Franciscan property was entirely notional. The model for such phantasmic *dominium* was Cardinal Hugolino's assumption of ownership of the convent of Saint Clare around 1218. There was no financial benefit to the transaction, it was merely imaginary – a true legal fiction. Yet it was a fiction that allowed the maintenance of Clare's beloved 'privilege of poverty.' Another pattern was provided by papal ownership of the Sacro Convento in Assisi (whose dependent status is still reflected in the Lateran Pact of 1929). The papacy held the title, and the friars paid a nominal rent of one pound of wax per year.[33] For the thousands of properties under the control of the Order of Friars Minor, not one of them was ever recorded in the papal financial registers.

One may ask what the mutual benefits were in this arrangement. From the Franciscan side it is quite clear, they could maintain their claim to absolute poverty and – liberated from temporal ownership and management – be free to maintain their ministry unimpeded. From the Curial side it is less clear. Papal finances did not enjoy any augmentation, nor did they receive any rents from this arrangement. There was no pecuniary advantage at all. However, one should consider the immense increase in Roman presence that such a decision portended. The Roman See now 'owned' property in every city in Christendom. On that property lived men directly depended on the authority of that See. Who would dare undertake legal action against such property, when it meant costly and time-consuming appeals to Rome itself? No property could be alienated without the express permission of the Cardinal-Protector. Over the course of the century, holdings continued to accrue as the Franciscans spread and embedded themselves into local communities. Even without the properties on their account books, such an arrangement served mightily to increase the purview of Rome. The Roman See received no material benefit, but what they did obtain was immeasurably greater and more comprehensive. What is needed here is a broader appreciation of the concept of 'benefit,' a position

32 At the same time he deepened the legal fiction. In 1247 he issued *Quanto Studiosis* which permitted proctors to litigate on behalf of property used by the Franciscans but owned by the papacy, an impressive use of subsidiarity: the papacy will defend property rights, but made those who enjoy the use of them the legal defenders.

33 Lambert, *Franciscan Poverty*, 102.

initially developed by Bonaventure.[34] Most historiography has tended to look upon this as declension from poverty, but the Curia was looking for regularity, unity, and physical presence, with an eye to the larger picture. Indeed, the disclaiming of direct *dominium* enabled the papacy to renounce all direct property claims in 1322, when it was opportune to defuse the Spiritual Franciscan crisis, without damaging its interests in any way.[35]

## 5 Curial Elision

The significance of the cooperation between the Curia and the new orders can be assessed in several ways, but a most significant indicator is the rapid penetration of curial offices by the members of the orders themselves. By 1227 the first papal delegate had been selected from the new orders, when Guala of Bergamo was sent to represent the papacy before the Lombard League.[36] That same year saw the first of many mendicants empowered by the Holy See to reform monasteries outside of their own order.[37] By affiliating new convents, particularly female ones, the Franciscans and Dominicans achieved a further centralization of papal authority, bringing thousands of new religious under the direct supervision of the Curia.[38] One of the first inroads into the internal life of the Papal Curia was in the office of minor Penitentiaries.[39] These were around ten priests who heard confessions in the name of the pope and who were in constant personal attendance upon his person.[40] They likely were in his inner circle and dined with him on a daily basis. Under Honorius III all of the minor penitentiaries were Cistercian. Starting with Gregory IX the offices

34 Bonaventure, "Apologia Pauperum", trans. J. de Vinck, *The Works of Bonaventure IV: The Defense of the Mendicants* (Paterson, N.J.: 1960–1970), c. 11, 7, 243.

35 Brunner M., "Papal Interventions," 369–374.

36 Gregory IX, "Ad ostendendam," *BOP* I.10, 21.22.

37 Gregory IX, "Succensa est," *BOP* I.14, 23–24. These commissions would increase significantly in the 1230s as the Dominicans showed themselves adept at reforming the regular life in convents.

38 A rash of such affiliations occurred in the mid-1240s. Though many early mendicants had warm relations with female convents, the second generation began to resent such impositions of *cura monalium*. It is likely that this was one of the first genuine points of conflict between the Curia and the new orders.

39 P.D. Clarke, "Between Avignon and Rome: Minor Penitentiaries at the Papal Curia in the Thirteenth and Fourteenth Centuries," *Rivista di storia della chiesa in Italia* 63.2 (2009), 455–510. Clarke argues that the earliest solid evidence for this office is the 1260s.

40 For the Franciscans in particular see L. Oliger, "I penitenzieri Francescani a San Giovanni in Laterano," *Studi francescani* 11 (1915), 495–522.

were fully staffed by Franciscans and Dominicans, an assignment that became permanent, enduring even into the fixation of the Franciscan college of penitentiaries by Pius V in the 1500s.[41] The members of the orders were particularly good for this role, since they were not interested in pecuniary rewards that could corrupt the system of reserved sins and papal absolution. Many likely held the office of Apostolic Notary, which would have made them extremely influential in the curia.[42] Because of their adoption and mastery of the office of the papal chapel, by the latter 1200s Franciscans assumed the office of papal sacristans.[43] What this tells us is that by the end of the century, most of the intimate positions of trust in the Curia were being occupied by the members of the new orders.

Yet such success was not limited to the minor roles within the Curia. The reformation of the Church's legal system was placed entirely in the hands of the Dominican Raymond of Peñafort, who published the *Liber Extra*, in 1234.[44] By the 1230s dozens and dozens of Franciscans and Dominicans had been consecrated as bishops and sent to the far corners of Europe and beyond.[45] Having established beachheads in the forms of convents in the towns and cities, representatives of the orders now headed entire local churches, bringing with them much closer ties to the Roman See than had been present up to that time. The real breakthrough came in 1244, when Innocent IV selected the famous Dominican scholar Hugh of St. Cher as the first Mendicant cardinal.[46] Hugh discharged his office incredibly well, while at the same time advocating for the Friars Preachers in the heart of the Curia. He served as an expert in regularizing religious rules for the papacy, and on several occasions was papal legate to Germany and the Low Countries. Probably indicating the preponderance of mendicant influence, in 1256 he became the first Dominican Major Penitentiary. Indeed, the Apostolic Penitentiary would be an office whose next four of six heads would be from the mendicant orders. So great was his influence

41 Ibid., 495–499.

42 Ibid., 500.

43 Ibid., 498.

44 There is no full, modern biography of this axial Dominican. For materials on his life, see: F. Balme and C. Paban, *Raymundiana: Seu documenta quae pertinent ad S. Raymundi de Pennaforti vitam et scripta*, 2 vols., Monumenta ordinis fratrum praedicatorum historica 6 (Rome, 1898–1901).

45 From the Dominican order alone, 244 bishops were created before 1304. A. Kuźma, "The Bishops From the Order of Friars Preachers in the 13th Century," *Roczniki Humanistyczne* 46.2 (1998), 5–19.

46 Again, no comprehensive biography exists. See the collected papers in L-J. Bataillon. G. Dahan, and P-M. Gy (eds.), *Hugues de Saint-Cher († 1263), bibliste et théologien*, Bibliothèque d'histoire culturelle du Moyen Âge 1 (Turnhout: 2004).

at the Roman court that in 1261 he was elevated as the senior Cardinal-Bishop of Ostia. From that time, it became almost normative to have Dominican cardinals, and a further five would be appointed during the thirteenth century. The Franciscans were a bit slower, with their first cardinal being St. Bonaventure in 1274, however they too would quickly gather more red hats. However, the final and definitive proof of curial-mendicant interpenetration was the election of the Dominican Pierre of Tarentaise as Innocent V in 1276 and the elevation of the Franciscan Girolamo Masci as Nicholas IV in 1288.[47] The interests of the mendicants and the Curia had achieved the peak of their coalescence.

47 For Pierre, see: M-H. Laurent, *Le bienheureux Innocent V* (*Pierre de Tarentaise*) *et son temps*, Studi e Testi 129 (Vatican City: Biblioteca apostolica vaticana, 1947). For Girolamo, see A. Franchi, *Nicolaus Papa IV. 1288–1292* (*Girolamo d'Ascoli*) (Assisi: 1991).

# PART 3

## *Roman Church Governance in the Late Medieval Period*

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CHAPTER 8

# Nepotism and the Papal Curia between the Eleventh and the Fifteenth Centuries

*Sandro Carocci*

## 1 Introduction

In the third ditch (*bolgia*) of the *Inferno*, Dante meets Pope Nicholas III, Giangaetano Orsini.[1] His famous depiction is sarcastic, expressed in crude terms which contrast with the prophetic and tragic register that Dante adopts throughout canto XIX. It is here that the poet treats the great political and spiritual question of the greed that had taken root in the Church, the plague that meant the ruin of humanity. The pope is embedded in stone, upside down, his naked legs pointing upward and making whirling movements because of the pain caused by the flames burning on the soles of his feet. Of the seven popes among the damned, he is the only one to whom Dante communicates with as well as the only one who cites nepotism as the cause of his condemnation:

> But in truth I was a son of the she-bear
> and so avid was I to advance my cubs
> I filled my purse as now I fill this hole.
>
> *Inferno*, XIX 70–72, trans. Hollander

In accusing the pope of nepotism, Dante is in many ways a pioneer. Before the *Divine Comedy*, it is rare to come across the charge in chronicles, annals, and treatises that narrate the deeds of popes and cardinals. In the growing volume of criticisms and satires which from the mid-twelfth century that condemn the avarice of the Roman clergy and the Papal Curia, the reproach of nepotism is either completely absent or appears only as a vaguely defined, secondary element. And yet by this time nepotism had already been a structural characteristic of the Roman Curia for generations. After Dante, fourteenth-century writers show increasing awareness of nepotistic behavior, as both indictments of and treatises defending nepotism begin to appear. Yet ultimately all these

1 S. Carocci. "Il papa nepotista: Niccolò III," in F. Suitner (ed.), *Nel Duecento di Dante: I personaggi* (Florence: 2020), 307–325.

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denunciations, including the harshest ones, take aim at the excesses of nepotism without proposing the intrinsic illegitimacy of a practice that endeavored to promote the fortunes of a family. Later, in the fifteenth and early sixteenth centuries, councils and the College of Cardinals opposed the high-handedness of papal power, including the practice of nepotism, and attempted to impose quantitative limits on the concessions that pontiffs could make; yet these efforts always ended with the admission that granting favors to relatives was ultimately justified, especially when these were well deserved. Criticisms became widespread only at a later date, first in Protestant circles and then among Catholics in the late seventeenth century. These denunciations became explicit in the nineteenth century, when nepotism was branded as the "plague of the Church" (F. Gregorovius) and of the faith, the fruit of vice, greed, and corruption.[2]

Yet what actually was nepotism? What is the meaning of a practice that was so ingrained at the Papal Curia that it was generally accepted for centuries? How did it change over the course of time? Who made most use of it, and why? What aims did it pursue, and what results did it obtain? These questions and themes form the focus of these pages.

## 2 Problems of Method

The importance of nepotism at the Papal Curia has been clear to historians for some time. Wolfgang Reinhard even defined nepotism "a constant in the history of the Papacy" (*eine papstgeschichtliche Konstante*),[3] while Paravicini Bagliani emphasized the great development of the phenomenon in the thirteenth century. For my own part, in 1999 I devoted an entire book to the theme.[4] Later research shifted attention to the Avignon era, with important contributions coming from Armand Jamme and Etienne Anheim; even more numerous have been more recent works on the fifteenth century.[5]

2 S. Carocci, *Il nepotismo nel medioevo: Papi, cardinali, famiglie nobili* (Rome: 1999), 9–10 and 152–153.

3 W. Reinhard, "Nepotismus: Der Funktionswandel einer papstgeschichtlichen Konstanten." *Zeitschrift für Kirchengeschichte* 86 (1975), 145–185.

4 A. Paravicini Bagliani, *Il trono di Pietro: L'universalità del papato da Alessandro III a Bonifacio VIII* (Rome: 1996), 12; Carocci, *Il nepotismo*.

5 For the Avignon era, see É. Anheim, "Les dynasties cardinalices et l'institution pontificale à la fin du XIII$^{e}$ et au XIV$^{e}$ siècle : Identité institutionnelle et mémoire collective", in J. Dendorfer and R. Lützelschwab (eds.), *Die Kardinäle des Mittelalters und der frühen Renaissance* (Florence: 2013), 37–53; A. Jamme, "Avignone fra mobilità e conservazione sociale :

These and other studies take their lead from several methodological improvements which by now are well established. The first is that analysis of nepotism has freed itself from the sphere of ethics, from value judgements and categories such as those of corruption and decadence. Historians rather focus on the functions that nepotism performed; indeed, this chapter in part concentrates on explanations of a functional type. We should also recall a second methodological advance, namely nepotism's "cultural foundation,"[6] that is, the awareness that the phenomenon corresponded to specific social structures and to the central role that these structures attributed to kinship. In medieval and early modern societies, the family represented a value which everyone recognized as fundamental; every action which safeguarded or promoted it – including nepotism – was defended by theological considerations and moral obligations.

In addition, historians have realized that in certain contexts one must see in nepotism what Pierre Bourdieu defined as *habitus*, that is, a system of behavioral patterns shaped by the context of one's social background and then internalized and incorporated; it is these dispositions which regulate one's sphere of action, beyond considerations of rationality or consciousness. An example from the thirteenth century is provided by the noble families of Rome who supplied a great number of cardinals and prelates to the Roman Curia. Groomed from early age to pursue ecclesiastical careers, the youth of these families were surrounded by the investments, attentions, and expectations of their kinship networks: great human, material, and political resources were unstintingly dedicated to their education. When a young man finally crossed the much desired threshold of the College of Cardinals, he brought with him not only the expectations of his relatives but also a system of patterns of behavior which informed and sometimes restricted his possibilities for action, obliging him, we might say, to practice nepotism.

A final methodological acquisition regards the need to take subjectivism into account alongside political and socio-anthropological considerations. Historians must ask themselves to what extent nepotistic practices should be

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Riconsiderazioni intorno al nepotismo di curia fra Tre e Quattrocento", in S. Carocci and A. De Vincentiis (eds.), *La mobilità sociale nel Medioevo italiano. 3. Il mondo ecclesiastico (secoli XII–XV)* (Rome: 2017), 141–142. On nepotism in the fifteenth century, the most recent systematic study is by P-B Dufouleur, *Léguer sans fils, hériter sans père: Transmission et légitimation du pouvoir chez les cardinaux du Quattrocento* (Ph.D. dissertation, Sorbonne Université, Paris: 2021).

6 The expression was coined by a historian of modern nepotism who passed away prematurely in 2016: A. Menniti Ippolito, *Il tramonto della Curia nepotista: Papi, nipoti e burocrazia curiale tra XVI e XVII secolo* (Rome: 1999), 167.

traced to rational, conscious choices linked to beliefs that actors had about their social and ethical worlds. For example, the (rare) cases of thirteenth-century Roman popes and cardinals who did not practice nepotism, such as Honorius III, can be explained in precisely this way, as the fruit of a deliberate decision.[7]

In this chapter, I will compare the thirteenth century, the first great era of nepotism, with the Early Renaissance: the period from the end of the Schism in 1417 until the beginning of the sixteenth century. I will mainly discuss Italian prelates, more specifically those from northern and central Italy, because in both eras the Roman Curia was markedly Italian. At the same time, we must seek to avoid 'Italianizing' the phenomenon and keep our distance from positions that are truly difficult to accept, such as those put forth by Barbara McClung Hallman in her otherwise commendable book on Italian cardinals of the Renaissance. While delivering an impressive analysis, rich in quantitative data on the nepotistic behavior of cardinals, she resorts to moralistic tones and to a facile anthropologism that attributes the phenomenon to their Italian identity: "As Italians, they owed loyalty to their families and followers; as cardinals, they owed loyalty to the Church. When these loyalties came into conflict, they acted as Italians."[8]

Critics have rightly taken aim at this interpretative shortcut, about which we have nothing more to add. Yet for the record, if one was tempted to compete in matters of chauvinism, a medievalist could easily object that we have ample evidence that it was not Italians but indeed the English who engaged in widespread nepotism as early as the twelfth century. In 2013, Everett Crosby published a volume in which he documents – bishop by bishop – thousands of incidents of nepotism in all 24 dioceses of England and Normandy. In many cases, these English bishops have nothing to learn from the worst cardinals of the Renaissance: to give one example, they begot so many children that still today, nine centuries later, we are able to identify seven bishops whose sons were in turn consecrated or nominated to the episcopal rank.[9]

We see, then, that nepotism is not by any means a phenomenon unique to the Papal Curia or to Italians, but a ubiquitous practice, so much so that it is sometimes considered a biological fact. Beginning in the twelfth century, ecclesiastical writers insist on this point: in about 1170, Pope Alexander III is

7 I remind the reader that contrary to what is often repeated Honorius III did not belong to the Savelli family: see Carocci. *Il nepotismo*, 116.

8 B. McClung Hallman, *Italian Cardinals, Reform, and the Church as Property: 1492–1563* (Berkeley – Los Angeles – London: 1985), 167.

9 E.U. Crosby, *The King's Bishops: The Politics of Patronage in England and Normandy, 1066–1216* (New York: 2013), 59.

supposed to have ironically stated that "when God forbade children, the Devil gave nephews."[10]

## 3 The Meanings of Nepotism

As an omnipresent phenomenon, almost intrinsic to human nature, nepotism has manifested itself in different contexts and eras with specific characteristics. We need, then, to connect nepotism with the political and curial organization over several centuries of papal history to the end of understanding, on the one hand, the functions it performed and the mechanisms by which it was carried out and, on the other, how its practices, protagonists, social consequences, and effectiveness changed over time.

In the history of the Papacy, cases in which the pontifical office was used to promote relatives are already present in the Early Middle Ages, yet in my view we can only begin speaking in earnest of nepotism in the twelfth and especially the thirteenth centuries. Indeed, until the second half of the eleventh century, a sort of symbiotic relationship existed between the Papacy and the Roman aristocracy: the bureaucratic apparatus that centered on the *palatium* of the Lateran was monopolized by the local nobility, situated within a larger context in which the Church of this period was characterized by what Giorgio Falco called "fusion and confusion between clergy and laity."[11] As we know, the situation changed with the Gregorian Reform, which saw the formation of the Papal Curia and the expansion of papal power in all spheres. The first blatant case of pontifical nepotism must be attributed to Innocent II, beginning in 1138, the year of the death of Anacletus II. Before that date, our sources do not reveal the names of any of his relatives; by the time of the pope's death five years later, the family had achieved a great leap in its social standing, adopting the surname 'de Papa-Papareschi.' More than anything else, this detail indicates the role played by the pope in elevating this Trastevere family of modest origins.[12]

Yet until this period, nepotistic practices were episodic. Only from the late twelfth century do we find a massive development of the phenomenon, to the point that it became the norm, so to speak. Now it becomes clear that older

10 "Filios episcopis dominus abstulit, nepotes autem diabolus dedit." *Giraldi Cambrensis Gemma ecclesiastica*, ed. J. Brewer, *Rerum Britannicarum Medii Aevi Scriptores*, 21:2 (London: 1862), 304.

11 G. Falco, *Albori d'Europa: Pagine di storia medievale* (Rome: 1947), 419.

12 C. Wickham, *Medieval Rome: Stability and Crisis of a City, 900–1150* (Oxford: 2015), 241–243.

instances of family favoritism were transformed into something new and more significant. The element at the base of this development was the great increase in the power of popes and cardinals that took place from the late eleventh century. The passage of at least a hundred years would be needed, however, for nepotism to shift from an isolated practice carried out by just a handful of popes and even fewer cardinals into a widespread phenomenon, even becoming normal behavior in certain circles. The transition can be located at the end of the twelfth century. The agreement with the municipality of Rome of 1188, followed a decade later by the 'birth' of the Papal States through the submission of Lazio, Umbria, and Marche to Innocent III, and, finally, the greater ability gained by the popes of this era to make their weight felt in ecclesiastical institutions all increased the prerogatives of the Curia. This power was expressed in the number of Church benefices that it now controlled, the quantity of offices that it distributed in the temporal government, its capacity to wield power in the regions of the Papal States, and its influence over Rome and surrounding areas. In other words, the resources available for practicing nepotism had expanded greatly. At the same time, nepotism became useful both to the politics of papal supremacy and to the new requirements of government.[13]

Although papal power certainly expanded in this period, the explosion of nepotism should in fact be linked to the limits of that very power. During the thirteenth century, the governmental structures of the Papal States were clearly still in an embryonic stage: the military potential of the Church was quite weak, its ability to dominate Rome and its nobility was still uncertain, and the Curia itself represented an organ whose control more than ever depended on clienteles and patronage. As a result, popes and cardinals found it advantageous to be able to count on relatives to carry out the new functions of temporal government and to command the increasingly vast bureaucratic apparatus of the Curia. To assure obedience from subjects, cardinals sent as rectors to administrate the State's new provinces sometimes had recourse to the troops of lay relatives. Without the support of the latter and their castles, vassals, and friends, would Riccardo Annibaldi, for example, have managed to assure the continuity and solidity of papal power during his nine years as rector in the province of Campagna and Marittima (1240–49), the very period of the turbulent final phases of the conflict between the Church and Frederick II? Or would Cardinal Giovanni Colonna, rector of the Duchy of Spoleto, have been able to convince the riotous inhabitants of Forcamelone in the mountains of Norcia to swear allegiance to him in 1225–27? Several years later, an

13 On nepotism in the thirteenth century, see Carocci, *Il nepotismo*.

eyewitness narrated that the cardinal's nephew "Lord Oddone Colonna led a cavalry charge, taking animals and other belongings from the town: after that, they pledged obedience to him." The cardinal's nephew and his feudal retinue were the only tools with which to ensure the efficacy of papal government.[14]

Daniel Waley, the leading historian of the Papal States, affirmed that in the thirteenth century the temporal power of popes was so threatened by structural weaknesses that government made its weight felt and functioned only thanks to external support, which was provided by sovereigns such as Charles I of Anjou or, alternatively, by the relatives of popes of noble origin, such as Innocent IV and Nicholas III.[15] This interpretation is perhaps excessive in part, but fundamentally correct. In Rome as well, the best way to control the municipality and the city was with the backing of the pope's relatives and the most influential cardinals. Family members also made up the pool from which the pope could recruit trusted officers to govern the Papal States, above all in the conduct of war. For the entire thirteenth century, the small corps of specialized functionaries that gradually took shape around the Curia was clearly insufficient; unlike other rulers of the period, the pope did not have the possibility of either personally leading his armies in battle or – except in rare cases – to delegate this task to his closest collaborators, the cardinals of the Curia. For this reason, thirteenth-century popes looked first of all to relatives in selecting rectors and assigning other important offices, especially of a military nature.

Granting favors and concessions to family members was, therefore, not only motivated by love of one's kin but also stemmed from the need to compensate them for aiding the pontiff in overcoming the many weaknesses of papal power. Nonetheless, this road was open only to those popes who came from families that had already achieved a certain status and were experienced and powerful in military affairs, or perhaps already established in Rome. This explains why the greatest cases of nepotism in the thirteenth century were the work of popes from strong and mostly local families: Innocent III, Innocent IV, Nicholas III, Honorius IV, and Boniface VIII provide the best examples. In the case of other popes, whether from more modest Roman families or Italians from other regions or foreigners, the opportunity to practice nepotism was far more limited.

The 'functional' role of nepotism declined noticeably in the Avignon era. With Clement V, Clement VI, Clement VII, and other French popes, nepotism – it bears noting – became widespread, even excessive. Yet these practices seem to have had little relevance to governing the Curia or the State. The Avignon

14 Carocci, *Il nepotismo*, 80.

15 D. Waley, *The Papal State in the Thirteenth Century* (London: 1961), 192–200.

popes helped their relatives in myriad ways, though they did not ask them to assume important positions. Rather, they preferred to have recourse to qualified persons from their own region, namely Occitania. Armand Jamme has suggested that instead of nepotism one should in this case speak of "compatriotism."[16]

Without going into detail on the Avignon era and its peculiarities, let us turn immediately to the other period to be examined in this chapter, the century between 1417 and roughly 1520. Compared to the thirteenth century, the context and practices of curial nepotism during the 1400s seem to change radically. The victory of the popes over the conciliar theories had been secured, the machinery of the temporal government was being rapidly strengthened, and Rome was being transformed into a great Italian court. The Schism saw a drastic reduction in both income of a spiritual nature and resources deriving from papal control over Church structures: this meant that the surviving ecclesiastical revenues – at this point almost exclusively from Italy – took on greater importance, as did resources coming from temporal possessions. The result was Italian predominance in the financial, political, and social spheres of the Roman Curia.[17]

Among the many elements which increased the importance of Italy for the fifteenth-century Papacy, the main one was the Curia's growing capacity to make its weight felt in the granting of benefices and churches in many regions of the peninsula. The second phenomenon which favored this development was the increasing importance of relationships with Rome on the part of all Italian elites: greater numbers of noble families now promoted the curial careers of their members. In the second half of the fifteenth century, this phenomenon was abetted by the Italianization of the Curia, and later to an even greater extent by the sale of curial offices. Highborn Italian families invested massively in the career of a son, in many cases opting to move to Rome. The new colleges of venal offices (those able to be sold) already counted 2,232 members in 1521, supplying popes with significant financial resources which they could control directly, first through the Chamberlain and then the Datary. On the whole, the sale of curial offices increased the resources and expanded the sphere of action for papal nepotism.

It is not difficult to demonstrate that for popes (though no longer for cardinals) nepotism had reacquired a functional significance: many pontiffs had recourse to nephews to control the College of Cardinals and the Curia

16 A. Jamme, "Avignone", 155.

17 S. Carocci, "Nepotismi di curia e mobilità sociale fra XIII e XV secolo," in Carocci and De Vincentiis (eds.), *La mobilità sociale*, 99–101, with a bibliography up to the date of publication.

generally and to expand the network of clients that supported the Papacy. The most notable case is that of Sixtus IV, who not only nominated as many as six relatives to the rank of cardinal but even encouraged the rivalry between two cardinal nephews, Giuliano Della Rovere and Pietro Riario. By this means, the College of Cardinals was divided around one or the other figure and lost its ability to unite to resist the pope's power.[18]

At the same time, we should point out that during the Early Renaissance the spheres in which nepotism could express its functional character in the service of papal power seem to be more limited. This restricted use of nepotism to the end of governing the Papal States appears evident both in comparison with the past of the thirteenth century and the future of the early modern period. Above all from the mid-fifteenth century, the power and aid of relatives were no longer indispensable, in contrast to the situation of the medieval period. By this time, the Church had secured control of Rome, while the Papal States had developed quite efficient governing structures, including a certain military potential. With regard to the second half of the sixteenth century, a period that goes beyond the chronological limits of this chapter, we need only recall that the role of the pontiff's relatives was increased by the restructuring of the curial body into congregations. This era indeed saw the formalization of the figure of the Cardinal Nephew, who guided foreign policy, acted as head of the Secretariat of State and of important congregations, and became the point of reference for the entire web of patronage and informal relationships that surrounded the pope.

Simultaneously, another change took place in papal nepotism, one which was even more significant. Though the development of papal power in fact lessened the political functions of nepotism, yet it granted all pontiffs the opportunity to practice it on an even greater scale. By this time, it mattered little whether before his election a pope came from a family of modest social standing, whether he came from other regions of Italy or even – as in the case of the Borgias – from quite far away. The resources at the disposal of pontiffs were such that they were induced to make their relatives attempt not a simple social ascent, but a leap towards the principate itself. The marked spread of the phenomenon has led historians to coin a specific phrase – 'great nepotism' – to indicate the particular character of the nepotistic strategies on the part of popes between the mid-fifteenth and mid-sixteenth centuries.[19]

18 F. Somaini, *Un prelato lombardo del quindicesimo secolo: Il cardinale Giovanni Arcimboldi, vescovo di Novara, arcivescovo di Milano* (Rome: 2003), 692–696.

19 A summary focusing on the fifteenth century can be found in Carocci, 'Nepotismi di curia,' 105–112.

On the one hand, this new form of nepotism had the aim of transforming the Holy See into a dynasty, or – to be more precise – to use promotions to the College of Cardinals in order to establish the conditions by which the same family could regain the Papacy at a future conclave; on the other, it served to elevate a family of humble origin to at least the ranks of the most important Italian families, if not to the Throne of Saint Peter itself. In the opinion of many historians, the phenomenon of 'great nepotism' can be traced to the first Borgia pope (Callixtus III, 1455–58). This is not the place to list the popes associated with this development and their achievements. I will only point out that, to a greater extent than in the past, Renaissance popes were truly presented with the conditions to more broadly and freely cultivate that sense of identification and passion for their families, a sentiment which had so completely captured the minds of the nobility and many other social groups.

## 4 Nepotism among Cardinals

Having touched on the main characteristics of papal nepotism in the Middle Ages and the Renaissance, we are now in a position to observe the quite different contours of the phenomenon in both eras among the other great protagonists of the Roman Curia: the cardinals.

We are immediately struck by a particular difference, one which may seem counterintuitive, namely that the practice of nepotism was more widespread among cardinals in the thirteenth century than during the Renaissance. Naturally, we need to make the comparison clear. In absolute terms, the numbers of the two eras are quite similar, and there was certainly no shortage of Renaissance cardinals who successfully pursued aggressive nepotistic strategies. Nonetheless, because the members of the College of Cardinals were far more numerous in the fifteenth century than in the thirteenth, the proportion of cardinals able to practice nepotism on a large scale turns out be greater in the earlier period. In addition, nepotistic cardinals of the thirteenth century adopted mechanisms similar to those used by nepotistic popes, who, as we have seen, still constituted a minority. In the history of the Church, then, the thirteenth century is not only the golden age of cardinalitial nepotism but also the only period in which the phenomenon is comparable to its papal counterpart in terms of substance and outcomes.

Various factors made this a propitious era for nepotism among cardinals.[20] To begin with, they had greater power. From whichever point of view we

20 Thirteenth-century cardinalitial nepotism is analyzed in Carocci., *Il nepotismo*, 63–110.

approach the question, the history of the College of Cardinals in the twelfth and thirteenth centuries was one of almost uninterrupted growth in its prestige and prerogatives. This tendency is evident at both the ecclesiological and practical levels, manifesting itself in the numerous responsibilities with which cardinals were entrusted in papal tribunals, their ability to weigh in on religious and temporal questions, their role in the government of the State, and in their capacities as papal collaborators, advisors, and emissaries. The effective functions of cardinals, their degree of subordination to the pope and the possibility of limiting papal powers by means of collegial participation in Church affairs were never systematically defined in this period; rather, these questions continuously represented sources of ongoing tension between the aspirations of the College of Cardinals to create a sort of 'diarchy' with papal prerogative and the pope's own reaffirmations of the scope of his discretionary powers.

The room for maneuver on the part of the College also depended much on the behavior of individual popes. While some pontiffs regularly sought the consent of cardinals, others, such as Innocent III, looked to the advice of a restricted group of favorites; others again, such as Boniface VIII, greatly limited the authority of the Sacred College in order to exalt the supremacy and independence of the pope. In any case, it is beyond doubt that in their relationship with papal power in the thirteenth century the cardinals always had the advantage, unlike during the Renaissance. In addition, after the papacy of Innocent III, powerful cardinals managed to limit new appointments to the College and contain its numbers. Indeed, never before or after this period had there been so few cardinals in the history of the Church: only eight or perhaps seven were living in 1243, and no more than eight participated in the election of Urban IV in 1261; a mere eleven elevated Celestine V to the papal throne in 1294. Naturally, if the College of Cardinals remained quite small, each of its members acquired greater stature, as privileges, incomes and powers had to be shared among fewer hands.

As mentioned above, the Renaissance too has famous cases of nepotism among cardinals. To be sure, many members of the College had immense financial resources at their disposal.[21] Throughout the thirteenth century, canon law prohibited clerics from possessing bishoprics in addition to cardinalates; by the mid-fifteenth century, such limitations had completely fallen into disuse. The phenomenon of holding both titles reached impressive dimensions: calculations for the second decade of the sixteenth century reveal that 43%

21 Data on the average income of cardinals at the beginning of the sixteenth century are provided by W. Reinhard in "Struttura e significato del Sacro Collegio tra la fine del XV e l'inizio del XVI secolo," in *Città italiane del '500 tra Riforma e Controriforma* (Lucca: 1988), 257–266: 260–262.

of cardinals held five or more bishoprics and that only a third had none.[22] Financial means, though, were not enough to compensate for the diminished status of the College of Cardinals with respect to the growing amplitude of papal power in every sphere. In the centuries-long history of the relationship between popes and cardinals, it is indeed the second half of the fifteenth which marks the beginning of the uncontested supremacy of the former. The government of the Papal States was becoming more and more personal, losing that collegial character which during the thirteenth century – with the exception of several brief periods – pontiffs almost felt obliged to recognize when making important decisions, in accordance with the chancellery formula, "with the advice and shared will of our brothers", i.e. the cardinals.

The attack on cardinalitial powers was conducted on several fronts. Paul II advocated a renewed pope-centered ecclesiology founded on papal preeminence. Rather than consulting the full College in a regular consistory, popes tended now to convene limited commissions of cardinals, who were more and more often directly nominated by them and referred only to them. The growing presence of Italians in the Sacred College meant a decrease in its representational character, while at the same time its numbers increased, thus ensuring popes that it would be unable to organize opposition, as the larger body diminished the prerogatives of each of its single members. This period indeed saw the beginning of a process marked by scandalous episodes, such as the 34 promotions of Sixtus IV; by the end of the century, the average composition of the College had doubled. As we have seen, Sixtus IV further initiated the practice of using cardinal nephews to polarize factions within the College.

A final element in the lessening of the power of cardinals and their capacity to resist the pope consisted in the politicization of many nominations, with sovereigns appointing more and more of its members: these were of course committed to defending the interests of the ruler who sponsored them, rather than those of the Sacred College. Particularly negative influences on the cohesion and strength of the College were the increase in the number of cardinals and the promotion of several of very high social status, which led to increasing disparities within the assembly. On the one hand, a small group of cardinal-princes wielded the power of their family ties, political relations, and economic resources, which were accumulated thanks to the support of allied sovereigns and the lengthy terms of their offices, given that they often obtained the cardinalate at a young age. On the other, a majority of cardinals of humbler origin had little influence; they were often 'poor' (*pauperes*) or in

22 McClung Hallman, *Italian Cardinals*, 21–38; see also the very knowledgeable note by Somaini, *Un prelato lombardo*, 611–612.

any case in possession of insufficient resources. For the latter group, seeking the protection and favors of their more powerful brothers became crucial: as a result, patronage networks and internal parties were formed within the Sacred College. All of these circumstances had important consequences for the spread of nepotism. Cardinals able to practice nepotism on a large scale became a small minority, made up either of relatives of the pontiff or of cardinal-princes.

Between the thirteenth and fifteenth centuries, the protagonists of cardinalitial nepotism furthered differed from a geographical point of view. In the former period, the phenomenon showed a markedly regional character: nearly all of the most nepotistic cardinals were from Rome or southern Lazio, that is, from the Papal province of Campagna and Marittima, which was most closely connected to the Curia. We can identify at least three causes for this regionalization. First of all, cardinals from Rome or Lazio took advantage of more intimate relationships with curial circles and greater room for maneuver, which made them the privileged recipients of gifts and donations from sovereigns and important nobles needing to negotiate business with the Curia. Secondly, as we have seen in the cases of Riccardo Annibaldi and Giovanni Colonna, the nepotistic capacities of local cardinals were enhanced by the possibility of receiving the support of relatives. Such aid allowed them to better perform the duties of local government entrusted to them by popes; it also gave them the ability reinforce nepotistic practices with determined coups de main to conclude controversial acquisitions, whose outcomes cardinals would later seek to legitimize. Finally, personal data played a decisive role: benefitting from countless connections and steered by their families toward more efficient educational paths, clerics from Rome and Lazio managed to have themselves nominated cardinals at an earlier age than their brothers. In the thirteenth century, they were appointed on average 25 years before their deaths, while the mean longevity of other cardinals was less than 14 years. The longer duration of their cardinalates allowed them to accumulate power and thus abetted nepotistic strategies.

The Avignon era preserved this strong regional character of cardinalitial nepotism, this time to the advantage of Occitania, the southeastern French region from which all popes of this period hailed. In the Renaissance, by contrast, the regional factor seems to disappear. The salient factor in determining the power and nepotistic capabilities of cardinals was no longer geography but rather kinship with popes (who came from different regions, but never from Rome or Lazio after Martin V) or princely houses. Likewise, the longevity of cardinalates, which continued to be a significant factor in ensuring the successful outcome of nepotistic strategies (we need only recall Rodrigo Borgia or Giuliano Della Rovere), was no longer connected to a specific geographical

location as it was in the thirteenth century. Now, to be promoted to the Sacred College as a young man, what counted was not one's geographical provenance but once again the fact of belonging to a princely dynasty or being related to the pope. At the same time, papal nepotism had undergone changes, as we have seen, becoming more substantial and easier to realize, while distancing itself from the same practice on the part of cardinals.

## 5 The 'Curial Efficiency' of Nepotism

I will conclude this comparison between the thirteenth and the fifteenth centuries, between medieval and Renaissance nepotism, by considering for both eras what I would call the long-term 'curial efficiency' of nepotism, that is, the effective capacity of cardinalitial and papal nepotism to guarantee a continuous presence in the Sacred College, or perhaps a return to the Throne of Saint Peter. From this point of view, we should state from the outset that the second period appears to have offered far greater chances of success. To prove this hypothesis, we need only mention a simple datum: between 1417 and 1534, of a total of 309 cardinals, 43 were uncles, 56 nephews, and 33 cousins of other cardinals.[23] It should not surprise us, then, that during this period several families were able to place a second member on the papal throne. Here we need only recall a series of examples from the period in question: the three Venetian popes related to one another (Gregory XII, Eugene IV, and Paul II); Callixtus III, who promoted his nephew Rodrigo Borgia, who in turn became Pope Alexander VI (1492–1503); Pius II, of the House of Piccolomini, who made his 21-year-old nephew Francesco a cardinal, who went on to become Pius III (1503); Sixtus IV, who nominated Giuliano Della Rovere, who in turn became Julius II (1503–13); and, finally, Leo X (1513–21) of the House of Medici, who nominated his cousin Giulio, the future Clement VII (1523–34), to the Sacred College. These attempts at transforming the Papacy into a dynasty represented a novelty which had only rare precedents in the thirteenth century and in Avignon. Indeed, we can well understand Machiavelli's fear that popes would no longer be content to make princes of their sons and relatives but would now take measures "to make the papacy hereditary."[24]

23 Dufouleur, *Léguer sans fils*, 172 (although the study also provides a rich array of other data and percentages).

24 Niccolò Machiavelli, *History of Florence and of the Affairs of Italy: From the Earliest Times to the Death of Lorenzo the Magnificent*, trans. unnamed (New York and London: 1901),

At the same time, we must take care not to overstate the exceptionality of the Renaissance with regard to guaranteeing a long-term presence of relatives in the Curia. To aid us in measuring its comparative importance, we would do well to make use of two notions coined for the Avignon Curia but which apply to other phases of papal history as well: that of a "cardinalitial dynasty" (Étienne Anheim), which indicates those lineages which reappear several times in the Sacred College over two–three generations, and that of "kinship nebula" (Armand Jamme), which points to those vast networks of distant relations, often through the female line, that the most in-depth studies have shown to be a key element in shaping relationships and clienteles in curial circles.[25]

Dynasties of cardinals were already clearly present in the 1100s and characterized the entire duration of the thirteenth century. These are easily accounted for. Popes known for nepotism almost always promoted relatives to cardinalates (four promotions by Innocent III, three by Boniface VIII, two by Innocent IV and by Nicholas III, and so on). In addition to nominations of relatives secured by popes, we must recall those that came about through pressure by extremely powerful cardinals during the thirteenth century. With regard to "kinship nebula," we should mention those large-scale appointments coming from the same social milieu, the same city or the same region. These nebulae of relations, which turn out to be so important in reproducing the power of the Curia, appear to be widespread in the thirteenth century among clergymen from several circumscribed social contexts, such as the great Roman aristocracy. During the Avignon period, these nebulae continued to have a certain importance and prevalence, as seen in the significant number of cardinals from the middle and lesser nobility of Occitania. In 1378, when the pontiffs returned to Rome, these nebulae disappeared for several decades: in the first half of the fifteenth century, the geographical provenance of cardinals was in fact quite diversified. We no longer find the continuation of those pre-existing networks of kinship relations and affinities within the College which indeed characterized the institution during the thirteenth century and to an even greater extent in the Avignon era. The diminished nepotistic capacities of fifteenth-century cardinals depended in part on the different configuration of kinship relations which ran through the Curia.

Nonetheless, during the second half of the fifteenth century kinship relations intensified as never before, creating connections through both male and female lines as well as affinities between a significant number of members of

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1:v. Available at https://www.gutenberg.org/cache/epub/2464/pg2464-images.html#link2H_4_0004. Retrieved 21 December 2022.

25 Anheim, "Les dynasties cardinalices"; Jamme, "Avignone".

the College of Cardinals. The precise moment in which this change occurred still needs to be carefully identified. In the past, I affirmed that this return took place at the end of the century, but closer quantitative analyses carried out by Pierre-Bénigne Dufouleur seem to date the phenomenon to several decades earlier. In any case, it is certain that this condensing of kinship relations initially emerged for reasons similar to those which we have discussed for the thirteenth century, that is, in the wake of the promotions of nepotistic popes and the College's growing Italianization. Yet the most salient factors were the increase in the number of cardinals as well as a new development, that was typical of the Renaissance and of the early modern era: the decision made by many highborn Italian families to establish themselves in the Roman Curia and to invest great sums in financing the Church in order to purchase offices and promote the ecclesiastical careers of their members. The same families that financially backed the Holy See produced the prelates who guided the Curia. The cohesion of this social block was furthered by marriage strategies, to the point that – as Marco Pellegrini has noted – during the first decades of the sixteenth century "a compact front of Italian noble families related to each other" had developed a "near monopoly" of the ranks of cardinals; the College thus took on the appearance of "one big family," in the words of Barbara McClung Hallman.[26]

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For centuries during the long and complex history of the Roman Curia, nepotism was neither a secondary accident nor an element of decadence, but rather a basic factor in the vicissitudes of the fascinating story of the evolution of this institution. It also represents an indispensable key for understanding the functioning of the Curia and its transformations over time. The phenomenon of nepotism has every right to take its place in the history of the Roman Curia.

26 M. Pellegrini, "Corte di Roma e aristocrazie italiane in età moderna," *Rivista di storia e letteratura religiosa* 30 (1994), 543–602: 569; McClung Hallman, *Italian Cardinals*, 162.

CHAPTER 9

# From the *lectores curie romane* to the *Magistri Sancti Palatii*: Education at the Medieval Roman Curia

*Anthony John Lappin*

In the eighteenth and early nineteenth century, a dying Master of the Sacred Palace could expect exequies of some splendor: his body would be washed in the Quirinale by Dominican lay-brothers, who would then dress the corpse in his habit and place a purple stole around his neck, a black biretta on his head, shoes on his feet, and then recite the psalms and the rosary, whilst all of the Dominican friars of Rome gathered in order to collect the body and take it back to Santa Maria sopra Minerva with twelve of their number each carrying a burning torch as four others held the edges of the funeral pall. When they reached the Minerva, a high bier would have been prepared, draped with a cloth-of-gold pall and other precious fabrics, adorned by depictions of both his family coat-of-arms and allegorical representations of death. Candles abounded: forty two-kilo lights burnt around the tomb, and six of the same were placed on the high altar. A non-Dominican would be invited to pronounce the funeral oration during the mass; the Master's body would be entombed close to St. Dominic's altar, marked with an inscription carved on a marble plaque. At least that was the theory: Giovanni Benedetto Zuannelli, though, in 1738 after eleven years' service, was hastily embalmed and dispatched to the Minerva in an unmarked carriage, seemingly on the instruction of the mainly bed-ridden Clement XII.[1] But, though funeral arrangements might change, one thing was certain: continuing a line which was thought to stretch back to the Order's founder, another Dominican would take his place, as was by then both custom and law.[2]

The Master of the Sacred Palace was one of the principal prelates of the Curia, and his position (and the Dominican claims on the same) had seen a long period of hagiographical and at times tendentiously historiographical fabulation, which formed part, over the *longue durée*, of the elaboration of the role and its self-understanding. The *Magister Sacri Palatii* was also the

1 G. Moroni, *Dizionario di erudizione storico-ecclesiastica*, 103 vols. (Rome: 1840–61) XLII, 208b.
2 Moroni, *Dizionario* XLII, 208a–b.

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sole survivor within the Curia of a tradition of curial education that stretched back to the first half of the thirteenth century; it will be the development of this tradition which will be our initial focus in the present essay.

The earliest decades of the thirteenth century saw a concerted papal campaign to foster educational establishments, particularly the great universities of Paris and Bologna, a process brought to a revolutionary culmination with Honorius III's bull, *Super specula domini* of November 1219, which allowed clerics to enjoy, even though *in absentia*, the fruits of their benefices for up to five years if studying theology, and further guaranteed the beneficies possessed by those who taught theology for as long as they remained in harness.[3] Interest and enthusiasm for learning was also being felt in the Curia itself, as we can divine from a letter sent by Thomas of Capua, then Cardinal-Priest of Santa Sabina, to the Dominicans, whose friars had taken up residence at his titular church between 1219 and 1220,[4] and whose interests he subsequently supported.[5] The epistle was preserved, in edited form, in book VII of Thomas's *Summa dictaminis*, and is an excellent example of that book's theme, "de precibus et recommendationibus" (requests and proposals):[6]

> It behooves the forward-planning of the Order to provide such a teacher to the brethren of Santa Sabina, in whom the few dwelling in the Curia and the many who flow to it should find the strength of counsel and the benefit of teaching. Indeed, since we, full of affection, care deeply for the beauty and honour of your Order, regarding the aforementioned, we offer advice in good faith and, as we are somewhat privileged in these matters, we request, with suitable insistence, that the grace of your provision

3 H. Denifle ed., *Chartularium Universitatis parisiensis,* 4 vols. (Paris: 1889–97) I, 90–93; further G. Post, *The Papacy and the Rise of the Universities* (Leiden: 2017,) 159.

4 J.J. Berthier, *L'Église de Sainte-Sabine à Rome* (Rome: 1910). Definitive title was granted in June 1222, shortly after Dominic's death.

5 On Thomas, see H.M. Schaller, "Eboli, Tommaso da", in *Dizionario biografico degli italiani*, vol. 42 (Rome: 1992) and his "Studien zur Briefsammlung des Kardinals Thomas von Capua", *Deutsches Archiv* 21 (1965), 371–518.

6 "Decet providentiam ordinis fratribus sancte Sabine de tali providere doctore, in quo nonnulli residentes in curia et multi confluentes ad ipsam inveniant opem consilii opusque doctrine. Sane cum decorem et decus ordinis vestri affectione plena zelemur, super premissis offerimus bona fide consilium et, cum nobis in hiis quoddam peculiare, favorabile tamen interesse queramus, opportuna instantia preces porrigimus, petentes sic gratiam vestre provisionis affluere, quod sapor fontis sentiatur in rivo et mittentium circumspectio cognoscatur in commisso. Ad hec presentetis, si placet, vestrum Thomam orationum vehiculo coram Deo." Thomas of Capua, *Die Briefsammlung des Thomas von Capua*, ed. M. Thumser and J. Frohman (Munich: 2011), 160.

> might flow, that the taste of the spring may be experienced upon the river-bank and the consideration of he who writes to you might be known through its fulfillment. For the rest, may you present, if it is pleasing to you, your Thomas before God through the vehicle of prayers.

The role envisaged by Thomas was not the inward-facing primary role of the *lector* to the convent, whose tasks were limited to providing an elementary education to the novices and friars, but rather a much more public function, a suitably qualified teacher to provide both counsel and doctrine to two distinct constituencies which might be said to make up the Curia: the *residentes in curia* – permanent fixtures of the curial staff (a wide group) and the *multi confluentes*, those who find themselves at the Curia, drawn thither by business (a much wider group). It would be, from Thomas's point of view, good for them to have this teaching and advice, and consequently good for the reputation of the Order. This required a suitable person to be sent, *tali … doctore*. Whilst that individual would, in Thomas's view, provide the *ops consilii* – a strengthening or fortifying through advice, perhaps through a more popular type of preaching – he would also offer the *opus doctrine*, the benefit of doctrine or teaching, and it is for this precise reason that the Order should commission a *doctor*, a word already redolent of university formation and teaching.[7] The audience was, further, not pilgrims who had travelled to Rome, but rather those that were employed in the Curia and those who were drawn there on business, those who required or desired judgements, easements, indulgences, privileges granted or reconfirmed, excommunications lifted, disabilities indulged: the advocates, proctors, university-educated lawyers and ecclesiastical fixers, the monastic bursers, conventual supplicants and disputants, as well as – given Thomas's own role in the hierarchy – those bearing tricky dilemmas of conscience or caught in the sort of canonical quandries that would so often afflict the better-off. In short, what was being requested was high-profile, high-standard lecturing and theologically-astute preaching in what might be described as a grown-up, post-university milieu, given that high-level preaching was very much a feature of academic employment.[8]

At the Curia, it was this gap that Thomas had perceived, and he was quite clear that the Dominicans had not, up to that point, considered it. Access to

7 See, for example, Innocent III's opening address to the University of Paris in 1209: "Universis doctoribus sacre pagine, decretorum et liberalium artium Parisius commorantibus" (To all those doctors of theology, decrees and liberal arts dwelling in Paris; Denifle, *Chartularium*, I, 67).

8 E.L. Saak, *High Way to Heaven: The Augustinian Platform between Reform and Reformation* (Leiden: 2002), 380.

these influential and disparate groups from all corners of Christendom, if the right man were chosen, would redound to the Order's credit. Unfortunately, it is not really clear to whom Thomas was writing, as the letter has been edited to make it fit for the collection of model examples of correspondence: perhaps he was directing himself to the Roman Province, who would have had direct responsibility for the appointment; perhaps to the Order's General Chapter. Record of actual arrangements, if any, has not survived. The most we can say is that key individuals in the Curia were already mulling over how best to integrate the educational developments of their time into the Curia itself.

Something much more concrete was, however, established by Innocent IV as part of the structure put into place for his residence in Lyon, whither he had fled from an increasingly insecure Rome in mid-1244, and to where he summoned a council which met in mid-1245, and whence he only departed in the Spring of 1251. Niccolò da Calvi, writing something over a decade later, described the pope's intention as follows:[9]

> And so that all might enjoy the fullness of grace, in the second year of his pontificate, in Lyon, he created a *studium generale* in his curia, both of theology and of the *Decretum* together with the decretals and laws, for the instruction of, namely, the ignorant and for the growth of the wise, since through listening the wise man ever adds to his wisdom.[10]

According to Niccolò, this was an arrangement that was repeated wherever Innocent IV went ("sicut ubique fecerat"); and it is one of the first (and only) things he records when Innocent, having already fallen gravely ill en route, reached Naples, only to die a few weeks later.[11] The *studium curie* was also active during the nearly two years that the Curia remained in Perugia between November 1251 and September 1253, as one of the lecturers, the Dominican

9 For Niccolò, see P. Montaubin, "Bastard Nepotism: Niccolò di Anagni, a nephew of Pope Gregory IX, and *camerarius* of Pope Alexander IV", in F. Andrews, C. Egger, and C.M. Rousseau (eds.), *Pope, Church, and City: Essays in Honour of Brenda Bolton* (Leiden: 2004,) 129–176, at 155–156.

10 "Et ut de plenitudine gratis gaudeant uniuersi, secundo anno sui pontificatus apud Lugdunum in sua curia generale studium ordinauit, tam de theologia, quam de decretis, decretalibus pariter et legibus ad eruditionem videlicet rudium et incrementum sapientium cum audiens sapiens sapientior semper fiat." Niccolò da Calvi, "Vita Innocentii IV", ed. F. Melloni in his *Innocenzo IV: La concezione e l'esperienza della cristianità come regimen unius personae* (Genoa: 1990), 259–93, at p. 269.

11 For the period in Naples, Niccolò da Calvi, "Vita Innocentii IV", 291–293.

Bartolomeo de Braganza, was sent from there to be bishop of Limassol in Cyprus.[12]

These various educational arrangements during papal absences from Rome would seem to have left their trace in the legal record, with one version of the decree being taken up into the *Liber Sextus*, and another surviving in preceding manuscript collections.[13] Like Niccolò, both texts emphasize that both theology and law (canon and civil) were being offered, whilst extending the privilege that those attending the curial *studium litterarum* might enjoy the fruits of their benefices, just like those who frequented a *studium generale*. The phrasing used by Innocent, however, underlines the point also made by his former *camararius*, Niccolò, that the arrangements were designed for a wide range of individuals, and, furthermore, echoed Thomas of Capua's distinction between those brought by business to the Curia and those who were more part of the furniture:

> As many flow together from different parts of the world to the Apostolic See just as to a mother, we, offering through paternal care, as much as to these as to all others in residence at the See, for their common comfort and profit, so that the delay might be advantageous to them, we decree …[14]

12 M.M. Mulchahey, "The Dominican *Studium Romanae Curiae*: The Papacy, the *Magisterium* and the Friars", in K. Emery, W.J. Courtenay, and S.M. Metzger (eds.), *Philosophy and Theology in the Studia of the Religious Orders and at Papal and Royal Courts* (Turnhout: 2012) 577–599, at p. 579.

13 For various manuscripts which contain the first text, A. Paravicini Baglian, "La fondazione dello 'Studium Curiae'", in R.Greci (ed.), *Il pragmatismo degli intellettuali: Origini e primi sviluppi dell'istituzione universitaria* (Torino: 1996), 125–144, at p. 125, n. 4.

14 "Cum de diuersis mundi partibus multi confluant ad sedem apostolicam quasi matrem, nos ad communem tam ipsorum quam aliorum omnium apud sedem commorantium commodum et profectum paterna sollicitudine intendentes ut sit eis mora huiusmodi fructuosa providimus …" The text is taken from Grenoble, Bibliothèque municipale d'étude et d'information, ms. 72 Rés, and is part of Innocent IV's and Alexander IV's *Novelle constitutiones* (fols. 280r–302v), which have been bound with Gregory IX's Decretals (fols. 8r–278r). The collection of the *novelle* in the Grenoble ms. is described by F. Schulte, *Iter gallicum* (Vienna: 1868), 380–384, and is partially edited therein (382, no. 33); the beginning of the letter is found in H. Denifle, *Die Entstehung der Universitäten des Mittelalters bis 1400* (Berlin: 1855), 302, n. 323. The full text is provided by A. Paravicini Bagliani, "La fondazione dello 'Studium Curiae': Una rilettura critica", in L. Gargan and O. Limone (eds.), *Luogi e metodi di insegnamento nell'Italia meridionale* (*secoli XII–XIV*) (Galatina: 1989), 59–81, at 60 (it is incorrect in "La fondazione" (1996)). The *Liber sextus* version of the text omits three words in this section, "apud sedem commorantium" (those in residence at the See; *Corpus iuris canonici*, ed. E. Friedberg, 2 vols. (Leipzig: 1879–1881), II, 1083–84; see col. 1083, n. *b*).

The gloss to the *Liber sextus* provided a concise summary of the letter, attributed to Giovanni d'Andrea, the early fourteenth-century canonist: "Curia romana habet studium generale et eius privilegia" (The Roman Curia has a *studium generale* and the latter's privileges), and Paravicini Bagliani ends his study of the *studium curie* by supposing that the institution established by Innocent IV was destined for "quel folto gruppo di giovani chierci che eran accorsi o erano stati chiamati in Curia per soddisfare il crescente incremento degli affari curiali" (that numerous group of young clerics who flocked or were called to the Curia to fill the growth in curial business).[15] Nevertheless, both Niccolò's and Innocent's own phrasing indicate that a wider range of students was being envisaged. The equivalence of the *studium curie* with other *studia generalia* (those at Paris, Bologna, and latterly Toulouse) whither clerics were allowed to travel and continue to receive the fruits of their benefices distinguished the papal *studium* from more lowly regional *studia* which required diocesan permission, thus guaranteeing that those who attended the Curia were able to pursue their studies whilst there; but the further privilege, that of gaining a qualification which would be recognized by other teaching institutions seems not to have been enacted, at least at this early stage, and degree-granting functions were rarely used. Thus, we might reasonably conclude that formation was more important than qualification. Indeed, the Curia had further resources, beyond the *studium* itself: Albertus Magnus could be summoned by Alexander IV in mid-1255 to provide presentations on some *questions du jour*: the anti-mendicant furore stoked by William of Saint-Amour, a Parisian master whose criticisms of the friars had found a receptive clerical audience; and the anxieties, also Paris-based, which had been awakened by Averroes's arguments on the unity of the intellect, and on which the German master composed a *libellus*, "Contra Averroem", during his stay in the Curia.[16] Politico-theological matters were not his only topic, however, and his work, *De fato*, was produced following a *questio* he treated at the papal court.[17]

At this point Albert was not lecturing within the *studium curie*; all the same, the peripatetic Curia of the second half of the thirteenth century would count

15 Paravicini Bagliani, "La fondazione" (1996), 144.

16 Thomas de Cantimpré, *Bonum universale de apibus* II.10.24 (Douais: Baltazar Bellerum, 1627), 176; J. Quétif and J. Échard, *Scriptores Ordinis Praedicatorum*, 2 vols. (Paris: J.-B. C. Ballard and N. Simar, 1719–21), I, 168 (no. 15); S. Tugwell, *Albert and Thomas: Selected Writings* (New York: 1988), 14–15; J.A. Weisheipl, *Thomas d'Aquino and Albert His Teacher* (Toronto: 1980), 11.

17 P. Zambelli, *The Speculum astronomiae and Its Enigma: Astrology, Theology and Science in Albertus Magnus and his Contemporaries* (Dordrecht: 1992), 49.

on the presence of a number of notable theologians in the *studium*, offering "un enseignement de qualité et d'excellence à la *familia* du pape" (teaching of high quality and excellence to the papal retinue).[18] Albert probably did take on at least part of the role of *lector curie* when he was again called to the Curia at the behest of Urban IV – first in Viterbo, then Orvieto – between 1261 and 1263, as the *Cronica* of San Domenico d'Orvieto (composed *c.*1346–48) preserved a memory of this, noting that no Dominican had filled the role again.[19] And indeed, the following decades saw the Curia being brought up to speed with the latest developments in the academic world by, primarily, Franciscans: William of Baglione, a former Parisian theologian, lectured there in 1273;[20] John Pecham spent almost two years as *lector* to the Curia (1277–79); was succeeded by his former student, Matthew of Aquasparta, who remained in post between 1279 and his election as Minister General of the Friars Minor in 1287;[21] followed by William of Falagar, who had been acting Minister General of the Franciscans from the previous year;[22] replaced in 1291 by Giovanni da Morrovale, who acted as *lector* until he was, in turn, elected Franciscan Minister General in 1296.[23] There followed a further number of short-lived Franciscan *lectores*: Gentile Portino da Montefiore, who began in 1296 and was made a cardinal in 1300, although may have been replaced as lector by 1299 by William

18 A. Postec, "Matthieu d'Aquasparta (v. 1240–1302)", *Histoire de la France* 43 (2014), 293–338, at 312.

19 E. Panella, "Il 'lector romanae curiae' nelle cronache conventuali domenicane del XIII–XIV secolo", in O. Wiejers (ed.), *Vocabulaire des écoles et des méthodes d'enseignement au moyen âge* (Turnhout: 1992), 130–139, at p. 135: "a tempore fratris Albertus de Alamania nullus deinceps fratrum nostrorum legere seu docere valuit in antedicto sacro palatio" (from the time of Brother Albert of Germany none of our brethren had been able to lecture or teach in the aforesaid sacred palace [i.e., the Curia]). See also M.M. Mulchahey, *'First the Bow is Bent in Study': Dominican Education before 1350* (Toronto: 1998), 262; J.A. Weisheipl, *Friar Thomas d'Aquino: His Life, Thought, and Work* (London: 1974), 149.

20 I. Brady, "*Quaestiones* at Paris, *c.* 1260–1270 (cod. Flor. Bibl. *Conv. soppr.* B. 6 912)", *Archivum Franciscanum historicum* 61 (1968), 434–61.

21 S. Piron, "Franciscan *Quodlibeta* in Southern *Studia* and at Paris, 1280–1300", in C. Schabel (ed.), *Theological Quodlibeta in the Middle Ages: The Thirteenth Century* (Leiden: 2006), 403–438, at 404.

22 A.-J. Gondras, "Guillaume de Falegar: Oeuvres inédites", *Archives d'histoire doctrinale et littéraire du Moyen Âge* 39 (1972), 184–228, who attributes his surviving *questiones* to his period as Franciscan regent in Paris (p. 186); and, further, P. Glorieux, 'Le *De gradibus formarum* de Guillaume de Falegar', *Recherches de théologie ancienne et médievale* 24 (1957), 296–319.

23 P. Glorieux, "Notices sur quelques théologiens de Paris à la fin du XIII$^{e}$ siècle", *Archives d'histoire doctrinale et littéraire du Moyen-Âge* 3 (1928), 201–238, at 220.

of Gainsborough who was followed at his rapid demise by Reinaldo d'Assisi (1300–1303) and Alessandro Bonino (1303–1308).[24]

John Pecham introduced the Parisian quodlibet to the Curia: his *Quodlibetum romanum* is, with fifty-four questions, both the last and the longest of his career, marked, too, by the breadth of its subject-matter, exploring themes of interest to an equally broad and scientifically literate audience, looking back to Albertus Magnus's lectures over a decade earlier, and foreshadowing Giovanni da Morrovale's own varied themes.[25] The quodlibets were continued enthusiastically by Matthew of Aquasparta;[26] whilst at the Curia he lectured *de quolibet* once every year, and further produced several *questiones disputate* and a number of sermons, preaching, for example, at Martin IV's creation of seven new cardinals in 1281. The role took in both the academic and the spiritual, as shown by Pecham's devotional compositions that were placed in St Peter's for the pope to recite before celebrating mass.[27]

The position of curial *lector* was very much the high-end of academic life and teaching, with self-directed *questiones* and audience-initiated *quodlibeta*. More humdrum teaching was not delivered directly in the *studium curie*, but in the mendicant convents whose own *lectores* could be relied upon to provide the basic building-blocks of university education. The Dominicans would seem to have been the first to seize the opportunity, and the 1261 appointment of Thomas Aquinas as conventual *lector* in Orvieto made him available to the papal Curia (which included Albertus Magnus, as we have seen, and a host of intellectual heavyweights) when Urban IV reached the city a year later. Thomas proved particularly useful to the pope over the two years of the latter's residence,[28] and was removed to Santa Sabina in Rome in 1265, the year after Urban left Orvieto for Perugia.

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24 F. Ehrle, "L'agostinismo e l'aristotelismo nella scolastica del secolo XIII: Ulteriori discussioni e materiali", *Xenia thomistica* 3 (1925), 517–588, at 578–79.

25 Glorieux, "Notices" 221: *questiones* on optics, anatomy and physics, as well as various aspects of the incarnation. This type of eclectic mix is to be found with other Franciscan masters: Piron, "Franciscan *Quodlibeta*", 426.

26 Piron, "Franciscan *Quodlibeta*", 404; for a discussion of Matthew's autograph collection of *quaestiones*, and their attribution to the periods in Bologna or Rome, see E. Spano, *La misura del tempo nei primi tre giorni della creazione: La scolastica francescana tra Aristotele e Agostino* (Ph.D Thesis, Università di Palermo), 48.

27 A.G. Little, *Franciscan Papers, Lists, and Documents* (Manchester: 1943), 192.

28 Weisheipl, *Friar Thomas* 147–148; D. Prudlo, *Thomas Aquinas: A Historical, Theological, and Environmental Portrait* (Mahwah, N.J.: 2020), 139–141.

The Order's consciousness of the importance of the post of *lector* to the convent where the Curia happened to be is made particularly evident in the acts of the Dominican General Chapter held in Bologna in 1267, in the first two (of eleven) instructions. The first warns, in general terms, those brethren who were present in the Curia to keep out of any other business than that for which they had been sent and to follow, at all times, the procurator's guidance. The second is much more pointed, and directed to the provincial of the Roman province, who "diligenter provideat ut conventus ubi curia fuerit fratres ydoneos habeat secundum exigenciam curie, priorem specialiter et lectorem" (should diligently arrange for the convent, wherever the curia may be, to have brethren who match the needs of the Curia, particularly the prior and the *lector*).[29] The Roman province may well have been distracted by Thomas's educational experiment at Santa Sabina (whence he was summoned to Paris the following year) during the four-month *sede vacante* before the election of Clement IV and his establishment of the Curia at Viterbo. Ensuring a suitable presence at the Curia became an issue of increasing concern to the Dominicans, and the title *lector curie* took on a semi-official status to refer to the conventual *lector* in the city in which the Curia was to be found.[30] Similarly, the Augustinians also appointed a *lector curie* to their *studium* which they founded at some point before 1276; their *lector* also played an important role in the Order's own administration.[31]

The position of *lector curie* gave direct access to the pope, and with that the possibilities of further promotion. Numerous *lectores* left the office to become bishops, cardinals, heads of their Orders. The same could also be said for conventual *lectores* at the Curia, and this would advantage not only the individual, but the Order itself. Yet such advancement was not for everyone. The biography of Ambrogio dei Sansedoni (d. 1287) relates how he simply refused to sacrifice himself because he loathed the politicking for position within the Curia:

> At length the venerable Master of the Order of Preachers, knowing of the eminence and agreeableness of his teaching, wished to send him to the Roman Curia as a teacher, where without doubt his fame would be more widely shared, from which a promotion to great levels was to be hoped

29 *Acta capitulorum generalium Ordinis Praedicatorum*, ed. B.M. Reichert (Rome: 1898), 138, ll. 11–13.

30 Panella, "Il 'lector romanae curiae'", 133; Mulchahey, "The Dominican *Studium*", 596–99.

31 B. Schwarz, *Kurienuniversität und stadtrömische Universität von ca. 1300 bis 1471* (Leiden: 2013), 351.

> for him; but as he detested in himself and others the ostentation of preferment, he never agreed.[32]

The stagnation of Franciscan educational development at the end of the century was certainly one of the reasons that Dominicans, who had already adopted Thomism as their intellectual formation, began to be seen more in the Curia through personal nomination by the pope, rather than being nominated to the local convent by the Roman province.[33] Thus Remigio de' Girolami, who had been awarded his master's degree directly by the Benedict XI, remained in the Curia, seemingly even after his papal protector's death and the Curia's definitive removal to France after a period of uncertainty over the intentions of the newly-elected Clement V.[34]

The fourteenth century, and the Avignonese papacy, continues in a similar direction, at least as regards the growing presence of Dominicans as official *lector* to the Curia. The nomenclature begins to change; the first mention of appointment to the Avignon Curia describes the lecturer "vocatus ad lectionem curie sacri palatii"[35] (called to the teaching of the curia of the Sacred Palace), a rather mixed term, suggesting that they were using an old form to explain a newer one. The Sacred Palace had previously been used to refer to the Lateran in earlier centuries; Avignon, however, took the term to itself, and saw an increasing concentration of activities within the confines of its (ever-expanding) papal palace, and thus a much lower-level of external visibility for processions, liturgy and, we might also surmise, lectures and sermons.[36]

Given the later Dominican monopoly over the position, it would be well to explore the circumstances in which the first Dominican filled this post in Avignon. The appointment hardly attracted the Order's blessing: Durand de Saint-Pourçain had made a name for himself in Paris for his criticisms of Thomas Aquinas and for a philosophy that edged towards an as-yet un-named

32 'Aliquando venerabilis magister ordinis predicatorum, sciens eminentiam et gratiositatem doctrine eius, voluit eum deputare in romana curia pro doctore, ubi procul dubio famam suam latius diffudisset, ex quo magne dignitatis gradus ei sperandus erat; sed detestans in se et aliis prelationem pompas, nullatenus acquievit.' Cf. E. Panella, "Il 'lector curie romane'," 134.

33 Piron, "Franciscan *Quodlibeta*" 425–427, for the decline, partly due to the tardy adoption of Aristotelianism.

34 E. Panella, "Nuova cronologia remigiana", *Archivum Fratrum Praedicatorum* 60 (1990), 145–311; Mulchahey, "The Dominican *Studium*", 594–599.

35 Panella, "Il 'lector romanae curiae'", 136.

36 P.N.R. Zutschi, "The Avignon Papacy", in M. Jones (ed.), *The New Cambridge Medieval History*, vol. VI: *c.1300–c.1415* (Cambridge: 2000), 633–673, at 666.

(since as-yet un-formulated) nominalism.[37] The Order had demanded a retraction, received it, but Durand revisited his previous ideas, and was due to be censured yet again when he was extracted from the corner he had painted himself into by Clement V's intervention in 1313. Durand remained as *lector* even after Clement's death and the election of John XXII, only leaving in 1317, after his election to the bishopric of Limoux. Despite his relative *damnatio memoriae* within the Dominican order,[38] Durand was highly respected elsewhere; that he was a Dominican was of secondary importance to his appointment. What was important was that the Curia was, above all, a court, and had modelled itself on princely courts for a number of centuries.[39] As such, the quodlibets and the *questiones* and the sermons were not simply educational opportunities, but also performances, a type of theological entertainment in which expertise could be called upon for comment on hot-button issues as well as thoughtful reflection upon the mysteries of the faith. Yet, also at Avignon, the post grew in its terms of reference: the master concerned was to lecture on all consistorial days; preach to the pope and vet other preachers' sermons; be able to offer his expertise on vexed theological questions either at mealtimes as a *commensalis*,[40] or in a more formal capacity, as Amand de Belvézer was required to do regarding John XXII's questionable views on the beatific vision.[41] Such a number of functions and their intensity forced the papal theologian early on to rely upon vicars for some of these duties; and so the office of papal theologian evolved into a major prelature in its own right, rather than, as in the previous century, filled by someone who was destined for greater things.

Conventual *lectores* in Avignon played an important role in educational provision for the Curia, and individual Orders were not slow to ensure that their houses were adequately staffed. Thus the Carmelites, for example, whose engagement with the educational needs of the Curia had been almost nil during the thirteenth century, were by 1318 equipped with a *magister*, a *secundus lector* (both of theology), a *lector philosophie* and/or a *lector physice*; they later

37 Mulchahey, *'First the Bow Is Bent'*, 153–58.

38 See Quétif and Echard, *Scriptores* I, 586.

39 B. Schwarz, "The Roman Curia (until about 1300)", in K. Pennington and W. Hartmann (eds.), *The History of Courts and Procedure in Medieval Canon Law* (Washington, D.C.: 2016), 160–228.

40 Schwarz, *Kurienuniversität*, 253.

41 S.-T. Bonino, "Autor d'Amand de Belvézer: Le Thomisme en France au XIV$^{e}$ siècle", *Revue des Sciences philosophiques et théologiques* 92.2 (2012), 233–67, at 235. He was replaced in 1334 by his confrère, Arnaud de Saint-Michel, who was also drawn in to the controversy: S. Piron, "Avignon sous Jean XXII, l'Eldorado des théologiens: Jean XXII et le Midi", *Cahiers de Fanjeaux* 45 (2012), 357–391, at 361.

even added a master's degree.[42] Other Orders adopted a similar structure. Thus, the educational panorama of the late-thirteenth-century Curia may be seen reflected and developed, even refined, in Avignon, and would continue when the papacy eventually returned to Rome.

The gift of the position which came to be called the *Magister Sacri Palatii*, however, remained with the pope, and was not limited to Dominicans at this point: a Carmelite, Guido Terreni, was teaching there in 1318, replacing Durand de Saint-Pourçain; in the early 1340s, another Carmelite, Pierre de Besse, and then a Cistercian, Raymond Durand, were employed as *lectores*.[43] Yet it was also in the 1340s that Dominicans began staking out some sort of claim on the post of the *Magister Sacri Palatii*. Thus, in the *Cronica* of the Orvieto convent of San Domenico, it was recorded that Niccolò Albertini da Prato had elicited a promise from Clement V that henceforth there would be a Dominican 'magister et doctor' in the Sacred Palace.[44] After the last Cistercian, all subsequent holders of the post – from the papacy of Clement VI (1342–1352) officially entitled *Magister Sacri Palatii* –,[45] were Dominicans; this was not an explicit law, but rather a *consuetudo*. In the late fifteenth century, Agostino Patrizio, prefect of ceremonies during four pontificates (the most important of which being his first, that of Pius II), observed rather laconically that "Magister Sacri Palatii consuevit esse ex Ordine Praedicatorum" (the Master of the Sacred Palace is usually from the Order of Preachers).[46] That is not to say that the Dominicans did not have to make sacrifices to preserve their monopoly: at some point probably during the 1380s, during the early Schism, when suitable candidates were necessarily thin on the ground, the then-Master, Raymond of Capua, took over the role himself, and did enough to hold off the significant number of

42 Schwartz, *Kurienuniversität* 355.

43 Schwarz, *Kurienuniversität* 355, 596.

44 Panella, "Il 'lector romanae curiae'", 135. The story is undoubtedly garbled: it attributes Niccolò's dealings with Clement to the time when the Dominican was the Order's procter, although by this time he was Cardinal-Bishop of Ostia; he was proctor, but in 1296. Clement V did show favor to him, however, granting him a canonry in Tours on 26 October 1305, early in his pontificate: *Regestum Clementis Papae V*, 9 vols. (Rome: 1885), I, 17–18 (no. 106). The text does not, however, claim that *only* Dominicans could be employed as *lector*, just that it might be their turn.

45 R. Creytens, "Le 'Studium Romanae Curiae' et le Maître du Sacré Palais", *Archivum Fratrum Praedicatorum* 11 (1941), 5–83, at 66–67.

46 Augustino Patrizio Piccolomini, *Sacrarum caeremoniarum, sive rituum ecclesiasticorum Romanae Ecclesiae* (Rome, Valerio Dorici: 1560) 126v. Even the Dominican pope, Pius V, considered the Dominicans to have but a consuetudinary claim upon the position: Brémond Antonin, *Bullarium Ordinis FF. Praedicatorum*, 7 vols. (Rome, J. Mainardi: 1729–39) V, 247, "quique ex Ordine Prędicatorum huiusmodi semper eligi solent" (who are thus usually chosen in this way from the Order of Preachers).

cardinals "and others" who thought it might be wise to employ someone who could dedicate themselves to the task full-time, even if they might be from another Order. Indeed, our source for this, the Dominican Chronicle of Orvieto, whilst it transforms what was at best an embarrassment into a triumph, also makes very clear what was at stake; the Order which controlled the position of the *Magister Sacri Palatii* controlled the teaching within the *studium* of the Curia: "omnes tam cardinales quam alii audiebant eum [Raimundum] libenter legentem et disputantem [...] et quia multi laborabant cardinales et alii, ut scole palatii darentur alteri religioni, procuratione eius factum est, ut scole remanerent ordini, sicut hactenus fuerant" (everyone, as much the cardinals as others would eagerly listen to him in his lectures and disputations ... and since many, cardinals and others, were attempting to have the Schools of the Palace given to another Order, by his advocacy it was achieved that the Schools would remain to the Order, as had been the case up until then).[47]

Opposition was not simply theoretical: the Franciscans had already, in around 1360, produced a claim to an unbroken Minorite succession to the office (quite reasonably for the thirteenth century), which was back-filled, where necessary, with their own conventual lectors to the Curia – the same confusion on which the Dominicans would also trade as they sought to affirm their own pedigree. Perhaps the most ingenious claim, though, was that of the mid-fourteenth-century Dominican chroniclers which centered upon St. Dominic's having been, almost accidentally, the first in the role. Indeed, it was the task of clearing this brushwood which occupied most of the twentieth-century scholarship on this topic.[48]

A useful way-point in the development of the role of the *Magister Sacri Palatii* comes at another departure from Rome, during the absence provoked by the Council of Florence (from Summer 1434 to Spring 1346) and the subsequent long stay of the Curia in Bologna (1436–48). Juan de Torquemada received a bull of appointment, *Dudum ex virtutibus*, in the Autumn of 1437 from Eugenius IV which laid out his role as *Magister Sacri Palatii*:[49] occupying a ceremonial position immediately after the dean of the papal chaplains and the auditor of the *Sacra Rota*, organizing and supervising the subjects and details of the preaching in the papal chapel, overseeing the steps of educational

47 Panella, "Il 'lector romane curie'", 139.

48 Schwarz, *Kurienuniversität* 261–62; B. Altaner, *Der hl. Dominikus* (Breslau: 1922), 201–207; Creytens, "Le 'Studium Romanae Curiae'; R. Loenertz, "Saint Dominique écrivain, maître en théologie, professeur à Rome et maître du Sacré Palais, d'après quelques auteurs du XIV$^{e}$ et XV$^{e}$ siècle", *Analecta Fratrum Praedicatorum* 11 (1941), 84–97; Panella, "Il 'lector romane curie'".

49 Giuseppe Catalano, *De Magistro Sacri Palatii* (Rome: Antonio Fulgone, 1751), 44–46; Brémond, *Bullarium* III, 82–83.

progress and the award of master's and doctoral degrees. Eugenius's predecessor, Martin V, had changed the terms under which the *lectores* to the mendicant *studia* were appointed: previously that personnel was at the discretion of the Orders; now, *lectores* could be named specifically by the pope, although the cost for the *lector regens Curie Romane* would still fall upon the Order, as it did for the Franciscans in 1423, when Gonzalo de Valbuena was appointed.[50] This new direction was accompanied by a greater co-operation between the mendicant *studia generalia* in Rome, as was also occurring in other parts of Italy.[51] The Dominican presence had been bolstered, and official posts of the *lectores Sacri Palatii* were in place by 1432; the Dominican General Chapters of the 1440s would appoint one lecturer on the Sentences and one *in biblicum*, changing each year, seemingly carefully chosen from as many diverse Provinces as possible.[52]

The bull granted to Torquemada, furthermore, envisaged that those who might deputize for the *Magister Sacri Palatii* would enjoy the same benefits and rights "quoties pro facta Ecclesie, aut alia emergente causa, vos contingerit a Curia absentare" (whenever, for Church business or other reason that may arise, you may chance to leave the Curia). And, as we can see with regards to Torquemada himself, these contingencies were frequent: the *Magister Sacri Palatii* had become a high-level theological envoy, a diplomat, papal advocate, and diplomatic correspondent.[53] Nevertheless, and despite what were essentially administrative duties in the supervision of education and preaching provided in and around the Curia, the more hands-on element, characteristic of the thirteenth-century papal *lector* had not been wholly forgotten. Thus, as part of Bessarion's meticulous preparations for the negotiations at Florence, Torquemada's predecessor, the Florentine Bartolomeo Lapacci de' Rimbertini, took part in a debate with a Franciscan on that evergreen topic of controversy

50 Gonzalo remained in post until he was named as bishop of Granada in September 1437; he was then employed as legate to the king of France and took part in discussions with Greek theologians in Florence; he eventually reached Granada, where, at least in later legend, he was martyred: A. Recio Veganzones, "El teólogo y diplomático franciscano Gonzalo de Valbuena, electo obispo de Granada en 1437 y mártir en la misma ciudad nazarí hacia 1442, a través de una documentación inédita, existente en el Vaticano", in M. Peláez del Rosal (ed.), *El franciscanismo en Andalucía* (Priego de Córdoba: 2002), 643–61.

51 Schwarz, *Kurienuniversität* 127.

52 Francisco Diago, *Historia de la Provincia de Aragón de la Orden de los Predicadores, desde su origen hasta el año mil y seiscientos* (Barcelona, Sebastián de Cormellas: 1599), 70v.

53 See V. Beltrán de Heredia, "Noticias y documentos para la biografía del cardenal Juan de Torquemada", *Achivum Fratrum Praedicatorum* 30 (1960), 53–148. The position of the vice-*Magister* was further established by Nicholas V and Calixtus III: see Catalano, *De Magistro*, 20.

between the Greeks and the Latins, the procession of the Holy Spirit, so that the cardinal could evaluate Thomist and Scotist positions on the matter.[54]

Towards the end of the Middle Ages, then, the *Magister Sacri Palatii* presided over a small faculty of theologians and a wider group of preachers, dedicated entirely or partially to the intellectual formation of the Curia. The leadership was given by the Dominicans, but this did not imply the exclusion of other Orders, and teaching would still depend upon the *lectores* appointed to each Order's *studium*, which were also increasingly well-staffed with theologians.

The intense presence of academics as a central element within the Curia changes, perhaps definitively, at the beginning of the sixteenth century, as the papacy early-modernized the Curia, and began to take much more seriously the university in the city of Rome itself, which had existed in parallel to the *studium* at the Curia from the thirteenth century; they were even sometimes to be found within the same city walls. Leo X completed the coalescence of the *scholae* of the Curia and the mendicant *studia*, and used the merger to create a theology faculty (whose rector continued to be the *Magister Sacri Palatii*), and placed it within the *studium urbis*, the Roman university of La Sapienza.[55] The *Magister Sacri Palatii* was invested with other roles at precisely this time, so that books could only be printed in Rome with his, and the Vicar General of the Diocese of Rome's, *beneplacitum*, a proviso from the Fifth Lateran Council which was expanded several times in the seventeenth century.[56] It was he who controlled the condemnation of works published outside Rome or forbade their reading, a duty slowly assumed over a little more than half a century by the Roman Inquisition after its foundation in 1542.[57] The *Magister* also had a role in overseeing the Inquisition itself,[58] and in counselling the pope on doctrinal matters. By the mid-seventeenth century, it was even believed that the position of the *Magister Sacri Palatii* had been created as a forerunner of the Inquisition, and established primarily to advise the pope, in his role as bishop, on the prosecution of heresy.[59] And, of course, this innovation was

54 J. Monfasani, "Cardinal Bessarion and the Latins", in S. Mariev (ed.), *Bessarion's Treasure: Editing, Translating and Interpreting Bessarion's Literary Heritage* (Berlin: de Gruyter, 2021), 5–21, at 8.

55 Perhaps in 1513: R. Walsh, "Master of the Sacred Palace", in *The Catholic Encyclopedia* 16 vols. (2nd edn, New York: 1913), X, 39–40, at p. 40; Schwarz, *Kurienuniversität*, 262.

56 Walsh, "Master", 39.

57 Walsh, "Master", 39.

58 Catalano, *De Magistro*, 38.

59 G.B. de Luca, *Relatio Curiae Romanae* (Cologne, A. Metternich: 1683), 63. For Cardinal de Luca's key role in the reform of both the Curia and the Papal States: P. Tusor, *The Baroque Papacy* (*1600–1700*) (Viterbo: 2016).

inevitably projected back, to Saint Dominic, who was now claimed as both the first to be termed *Magister Sacri Palatii* and furthermore the first to be named *Inquisitor*.[60]

To conclude, we might observe that the multiple roles of the early-modern *Magister Sacri Palatii*, on the one hand rector of the theology faculty of La Sapienza, on the other assessor of the Roman Inquisition and adjudicator of heresy, can be traced back to certain elements within the medieval tradition. Nevertheless, the teaching aspect of the position *within the Curia* had disappeared, separated out into the professionalism of the early-modern university, and the Curia became less and less like either a medieval or Renaissance court.

60 de Luca, *Relatio*, p. 95; Tomás Malvenda, *Annalium sacri Ordinis Praedicatorum* (Naples: Lazzaro Scorigi, 1627), 215–216.

CHAPTER 10

# The Papal Penitentiary in the Later Middles Ages

*Peter D. Clarke*

What contacts did Catholics have with the Roman Curia in the Later Middle Ages? This question invites several potential answers. First, a long tradition of pilgrimage to Rome had existed since the Early Middle Ages. Pilgrims visiting Rome might have contact with curial personnel, even the pope himself, and transact business at the Curia on behalf of themselves or others by the Later Middle Ages. This pilgrim traffic to Rome increased especially in Jubilee Years, first proclaimed by Pope Boniface VIII in 1300 and held at regular intervals thereafter. Popes stimulated this Jubilee traffic by offering a plenary indulgence to pilgrims visiting the major basilicas of Rome, including St. John in Lateran where the Curia was based by 1300. Business at the Curia consequently peaked in these Jubilee years when the Curia resided in Rome. However, the Curia was not always based in Rome. In the twelfth and thirteenth centuries it often resided outside the city, though usually not far away, in other towns of the papal patrimony. Nevertheless, for much of the fourteenth century it resided outside Italy, settling at Avignon from 1309. Following Pope Gregory XI's return to Rome in 1376, the outbreak of the Western Schism in 1378 meant that the city was home to only one of the two and (from 1409) three rival 'curias' until the Schism was resolved in 1417, and a single pope and curia were re-established at Rome. So, while pilgrimage to Rome continued throughout these upheavals, it did not always bring Catholics into contact with the Curia (or at least the Curia to which they gave obedience during the Schism). Such long-distance travel was also limited to those with the means to pursue this and so was rarely more than a once in a lifetime event.[1]

Other contacts with the Roman Curia existed that did not necessarily involve one's presence at the Curia. For example, litigants and their representatives sought justice from the Curia. The influential canon law book Gratian's *Decretum* (*c.*1140) stressed the pope's role as universal 'ordinary' (judge) competent to settle disputes throughout the Church. Appeals to Rome from lower church courts thus grew exponentially from the mid-twelfth century. As the

1 See: D.J. Birch, *Pilgrimage to Rome in the Middle Ages: Continuity and Change* (Rochester NY: 1998); H.L. Kessler and J. Zacharias, *Rome 1300: On the Path of the Pilgrim* (New Haven CT; London: 2000).

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pope found this caseload too much to handle in person, even with the aid of his cardinals in consistory, he increasingly referred cases back to provinces where they originated and commissioned local churchmen as papal judges delegate to hear them on his behalf; nevertheless, final judgment was sometimes reserved to the Curia. The pope also delegated cases within the Curia, creating several audience courts there by the thirteenth century, notably the Roman Rota. Appellants before such curial courts included clergy and laity, often engaged in litigation over benefices or marriage respectively.[2] Access to papal justice, however, again depended on individual or institutional means.

By the thirteenth century Catholics also increasingly turned to the Curia as a source of papal favours, what Englishman Sir John Paston (d. 1479) described as "the welle of grace".[3] They petitioned the Curia for absolution in cases where this was reserved to the pope. For example, anybody assaulting a secular or religious clerk incurred excommunication under the canon *Si quis suadente* (1139) which required them to seek absolution at the Curia.[4] Similar 'reserved cases' proliferated in canon law from the mid-twelfth century. Petitioners also asked the Curia for other graces that were a papal monopoly, notably dispensations, which relaxed canon law in certain circumstances. When the Curia approved their petitions, it usually issued a letter in response conferring the grace requested. Initially the main curial office producing such letters was the papal chancery. Many were copied into its registers of letters (extant from 1198) and by 1342 the chancery also registered petitions that it approved.[5] By the mid-thirteenth century another curial office had emerged which dealt exclusively with requests for papal graces: the papal penitentiary. By contrast, the

2 On the Rota, see Kirsi Salonen's chapter in this volume. On delegated papal jurisdiction see, for example, J.E. Sayers, *Papal Judges Delegate in the Province of Canterbury, 1198–1254: A Study in Ecclesiastical Jurisdiction and Administration* (London: 1971).

3 *Paston Letters and Papers of the Fifteenth Century*, ed. N. Davis, R. Beadle, and C. Richmond, 3 vols., EETS, supplementary series xx–xxii (Oxford: 2004–5), i. 471, no. 282 (Letter of 22 November 1473). Paston's phrase epitomized contemporary views of the Curia for historians: J.A.F. Thomson "'The Well of Grace': Englishmen and Rome in the Fifteenth Century", in: *The Church, Politics and Patronage in the Fifteenth Century*, ed. R.B. Dobson (Gloucester, 1984), 99–114, esp. pp. 99–100; K. Salonen, *The Penitentiary as a Well of Grace in the Late Middle Ages: The Example of the Province of Uppsala 1448–1527*, Annales Academiae Scientiarum Fennicae 313 (Helsinki: 2001).

4 Issued by Pope Innocent II as canon 15 of the Second Lateran Council (1139) and later included in Gratian's *Decretum* at C. 17 q. 4 c. 29; *Corpus iuris canonici*, ed. E. Friedberg (Leipzig: 1879–81), i. 822.

5 This voluminous evidence has attracted scholarly attention since the Vatican Archives opened to researchers in 1881 and many projects to edit these sources concerning specific parts of Europe are now underway, notably the *Repertorium Germanicum* and *Calendar of Entries in the Papal Registers relating to Great Britain and Ireland*.

chancery dealt with a wide range of other papal business, comprising litigation, political matters, and provisions to benefices. Both offices had broadly similar powers to confer graces, but whilst the chancery increasingly received petitions from clergy, often seeking dispensations for plurality, mostly unavailable from the penitentiary, the penitentiary received petitions from laity and clergy, male and female, seeking a wider range of graces. Its fees for issuing these were generally lower than those charged by the chancery, so arguably it attracted more clients from lower down the social scale.[6]

The penitentiary in fact combined all three points of contact with the Roman Curia, not only petitioning for graces but also pilgrimage to Rome and interaction with lower church courts. The practice of penitents seeking papal absolution had long been associated with pilgrimage to Rome. Early medieval penitentials prescribed pilgrimage to Rome as an act of penance for notorious sins, and by the tenth century certain pilgrims even confessed such sins to the pope and sought his absolution.[7] The pope could no longer deal with all these penitents in person by the twelfth century, so he delegated their absolution to others in the Curia, a practice that paralleled his commissioning of judges delegate. This practice was first recorded under Pope Alexander III (1159–81), and Pope Innocent III (1198–1216) subsequently appointed several cardinals to hear confession and grant absolution on his behalf as did his successors Honorius III and Gregory IX. It is unclear whether any of these cardinals was the cardinal penitentiary, but by Innocent IV's papacy (1243–54) this post emerged, and its holder became head of the eponymous office. Increasingly he became responsible for handling petitions and authorising the resulting letters engrossed by the office's scribes, whereas hearing pilgrims' confessions became the responsibility of the minor penitentiaries, so called to differentiate them from him and signal their subordination to him as the major penitentiary. They are first recorded in the 1260s and were stationed in the major basilicas of Rome frequented by pilgrims, several even remaining there during the Curia's sojourn

6 On the penitentiary's early history, see A. Fossier, *Le bureau des âmes: Écritures et pratiques administratives de la Pénitencerie apostolique* (*XIII^e–XIV^e siècle*), Bibliothèque des Écoles Françaises d'Athènes et de Rome 78 (Rome: 2018) which updates and supplements E. Göller, *Die päpstliche Pönitentiarie von ihrem Ursprung bis zu ihrer Umgestaltung unter Pius V*, 4 parts in 2 vols, Bibliothek des Königlich-Preussischen Historischen Instituts in Rom, 3, 4, 7, 8 (Rome: 1907–11), but the latter also traces the office's later history down to 1569.

7 R.A. Aronstam, "Penitential Pilgrimages to Rome in the Early Middle Ages", *Archivum historiae pontificiae* 13 (1975), 65–83, esp. pp. 67–70 on pilgrims confessing before the pope; C. Vogel, "Le pèlerinage pénitentiel", *Revue des sciences religieuses* 38 (1964), 113–53; repr. in his *En rémission des péches: Recherches sur les systèmes pénitentiels dans l'église latine*, ed. A. Faivre (Aldershot: 1994), no. VII.

at Avignon (1309–76). They were increasingly recruited from the mendicant orders, because of the friars' skills as confessors, and from different European countries so that as a group they could hear pilgrims' confessions in various languages. They also issued *littere ecclesie* to pilgrims as proof of their absolution.[8]

The papal penitentiary's association with judicial business was more indirect. Its present-day incarnation, the apostolic penitentiary, is described as a Tribunal of the Roman Curia, but its competence is limited to the "internal forum" (sacramental absolution and remission of sins) following papal reforms in 1569.[9] The pre-1569 office also dealt with matters arising in the 'external forum', the jurisdiction of church courts, but it was not a tribunal in the sense of a court before which litigants and advocates appeared. Nevertheless, it often handled petitions regarding business which was at one stage or another the subject of litigation in local church courts, and indeed such litigation arguably motivated many petitions to the penitentiary (as well as appeals to the curia). Many of these petitions also resulted in a quasi-judicial process of 'execution' whereby local church authorities implemented the penitentiary's decisions. In addition, petitions generally touched on complex issues of canon law, so petitioners normally employed proctors to represent them before the penitentiary, draft their petitions in the proper legal terminology, and navigate the office's procedures, just as they would do in cases before ecclesiastical courts. In what follows, the kinds of legal business that the penitentiary handled and these interactions with local judicial institutions and officials will be further explained.

## 1 The Business of the Penitentiary

Various sources shed light on the penitentiary's functions and activity. Firstly, formularies or collections of form-letters compiled for use by the office's scribes

8 Fossier, *Le bureau des âmes*, chapter 1; Göller, *Die päpstliche Pönitentiarie*, 1/i: 129–59; K. Salonen and L. Schmugge, *A Sip from the "Well of Grace": Medieval Texts from the Apostolic Penitentiary*, Studies in Medieval and Early Modern Canon Law 7 (Washington, D.C.: 2009), 86–88, 111–113 (an example of a *littera ecclesie*; such letters do not specify the sins absolved since these were disclosed in confession); F. Tamburini, "La Sacrée Pénitencerie apostolique et les pénitenciers mineurs pontificaux," *Studia canonica* 31 (1997), 449–59, claims that minor penitentiaries dealt with penitent pilgrims by the tenth century, but the earliest solid evidence for their activity is from the late thirteenth: P.D. Clarke, "Between Avignon and Rome: Minor Penitentiaries at the Papal Curia in the Thirteenth and Fourteenth Centuries," *Rivista di storia della chiesa in Italia* 63/ii (2009), 455–510.

9 http://www.penitenzieria.va/content/penitenzieriaapostolica/it/profilo.html (accessed 19 October 2022).

indicate the kinds of issues it handled. The formularies were compiled during the period 1230–1390 predating the office's earliest extant registers and thus offering invaluable evidence on its early activity.[10] Secondly, the papacy issued faculties to both the cardinal penitentiary and minor penitentiaries from the mid-thirteenth century authorizing them to grant certain kinds of graces. These faculties were listed in the so-called *Summa* of Pope Nicholas IV in 1290, and subsequent faculties are also documented.[11] These show that the power of the cardinal penitentiary to issue graces steadily expanded and eclipsed that of the minor penitentiaries, whose role was increasingly restricted to confession from the fourteenth century.[12] Other sources indicative of the office's business from 1338 onwards are tax-lists, which set charges for its letters conferring various graces.[13] Finally, the penitentiary's registers of petitions survive from 1410–11, 1438–43, and in a near continuous series from 1448 onwards, though the office was registering petitions it approved apparently as early as Gregory XI's pontificate (1370–78).[14] However, the registers were only made generally available to researchers in 1983, and various editions and studies of evidence concerning different parts of Europe in the registers have followed.[15] The office's registers

10 See Fossier, *Le bureau des âmes*, chapter 3 for a survey of this evidence, the main source-base for his book.

11 The *Summa* is edited by Göller, *Die päpstliche Pönitentiarie*, 1/ii: 1–6 (cardinal penitentiary's faculties) and Clarke, "Between Avignon and Rome", 480–89 (minor penitentiaries' faculties); Göller also edited subsequent papal grants of faculties to the cardinal.

12 As argued by Clarke, "Between Rome and Avignon", and Fossier, *Le bureau des âmes*, chapter 2.

13 The earliest tax-list was appended to Pope Benedict XII's bull *In agro dominico* (1338) regulating the office's organization and personnel; both bull and list were edited by H. Denifle, "Die älteste Taxrolle der apostolischen Pönitentiarie," *Archiv für Literatur- und Kirchen-geschichte des Mittelalters*, 4 (1888), 201–238. On subsequent fees charged by the office: W.P. Müller, "Die Gebühren der päpstlichen Pönitentiarie (1338–1569)," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken*, 78 (1998), 189–261; idem, "The price of papal pardon. New fifteenth-century evidence", in *Päpste, Pilger, Pönitentiarie. Festschrift für Ludwig Schmugge zum 65. Geburtstag*, A. Meyer, C. Rendtel, and M. Wittmer-Busch (eds.) (Tübingen: 2004), 457–81.

14 On registration under Gregory XI see P.N.R. Zutshi, review of Fossier, *Le bureau des âmes*, in *The Journal of Ecclesiastical History* 71/1 (January 2020), 169–71 at p. 169. The earliest surviving register is from the Great Schism, when each rival pope had their own penitentiary, and it records petitions approved by the penitentiary of Pisan popes Alexander V and John XXIII: F. Tamburini, "Il primo registro di suppliche dell'Archivio della Sacra Penitenzieria Apostolica," *Rivista di storia della chiesa in Italia*, 23 (1969), 384–427. The registers are preserved in the Archivio Storico of the Penitenzieria Apostolica and can be consulted with the office's permission.

15 For example, on the evidence concerning Scandinavia and the German Empire respectively see: Salonen, *The Penitentiary as a Well of Grace*; L. Schmugge, P. Hersperger, and B. Wiggenhauser (eds.), *Die Supplikenregister der päpstlichen Pönitentiarie aus der Zeit Pius' II*

of letters responding to petitions do not survive before 1570 but continue down to 1890 while its registers of petitions end in 1585. Nevertheless, occasionally original letters (and more rarely original petitions) survive in local archives, and some penitentiary letters were copied in other extant local records by the fifteenth century.[16]

Given that recent research on the penitentiary has largely focused on its registers, they will be used as the principal source for explaining its business. From Pius II's pontificate (1458–64) petitions were copied under thematic headings in the registers. Initially one register per papal year was compiled, and its largest section concerned marriage (*De matrimonialibus*). By Leo X's papacy (1513–21) the office approved so many petitions, especially regarding marriage, that they were copied into two registers per year, one of which exclusively regarded marriage. Thus, marriage became its dominant category of business, and the office had issued marriage dispensations since the late thirteenth century.[17] These largely removed kinship impediments to marriage, which comprised consanguinity, affinity, and *cognatio spiritualis*. Consanguinity meant blood-kinship of the marriage partners, and affinity referred to kinship created through marriage between relatives of both partners, though it might also arise *per copulam illicitam* (prior illicit sex between one partner and a relative of the other's). Since 1215 canon law had forbidden marriage within four degrees of consanguinity and affinity, where the degrees were calculated by counting the generations separating the partners from their common ancestor.[18] By the fifteenth century the penitentiary issued dispensations from the third or fourth degrees of affinity and consanguinity, and even both degrees combined. It also granted dispensations from *cognatio spiritualis* (spiritual kinship created through the

(*1458–1464*), Bibliothek des Deutschen Historischen Instituts im Rom, 84 (Tübingen: 1996). Ludwig Schmugge and his collaborators have led the way in editing this evidence since the 1990s with their multi-volume *Repertorium Poenitentiarie Germanicum* calendaring register-entries concerning the German Empire down to the Lutheran Reformation. Similar editions have also appeared for Scandinavian countries, Italian dioceses of Como and Siena, Flemish dioceses, and England and Wales.

16 See pp. 186–188 and n. 38 below.

17 Salonen, *The Penitentiary as a Well of Grace*, 110, traces its faculties in marriage back to the 1270s. Fossier, *Le bureau des âmes*, 338–44, found that its earliest formulary including marriage dispensations was from 1289.

18 Fourth Lateran Council canon 50, included in the definitive compilation of post-Gratian canon law, the *Liber extra* (1234) at X 4.14.8; *Corpus iuris canonici*, ed. Friedberg, ii. 703–4. Canonical practice on *affinitas per copulam illicitam* did not follow decretals of Pope Alexander III (1159–81) which largely rejected this as a marriage impediment: C. Donahue, *Law, Marriage, and Society in the Later Middle Ages: Arguments about Marriage in Five Courts* (Cambridge: 2007), 29–30.

sacraments of baptism or, less commonly, confirmation) and couples petitioned the office for these usually when a parent of one partner had acted as godparent at baptism (or sponsor at confirmation) for the other. Less often the penitentiary dispensed from the marital impediment of public honesty, which arose where one partner was previously betrothed to someone related to the other in the prohibited degrees, normally a sibling, but the betrothal was broken off without consummation.[19]

Most petitioners requested dispensations for future marriages, but some sought retrospective dispensations for existing marriages. In the latter instance they usually specified whether they had known of the impediment or not when they exchanged marital consent.[20] The distinction mattered, for those knowing of the impediment incurred excommunication for this conscious violation of canon law and so normally requested papal absolution as well as a retrospective dispensation. Presumably such couples had contracted a clandestine or secret marriage. This circumvented the legal requirement from 1215 that priests announce forthcoming marriages in their parish so any impediments might be objected. Indeed, couples aware of impediments sometimes married in secret to avoid others raising such objections. Nevertheless, canon law considered offspring of an incestuous marriage illegitimate in certain circumstances, notably when the marriage was clandestine. Petitioners therefore generally asked the penitentiary for marital dispensations that acknowledged issue of their marriages as legitimate, including past (and future) offspring of an existing marriage.[21] This was arguably designed to safeguard the children's inheritance rights, though canon law usually deemed legitimation in such temporal matters a prerogative of secular rather than papal authority.[22]

The next largest section of the registers was titled *de diversis formis*, a heading indicative of its miscellaneous nature. Firstly, it included requests for absolution in cases where canon law reserved this to the papacy. These reserved

19 The cardinal penitentiary received faculties to dispense from public honesty from 1374: Göller, *Die päpstliche Pönitentiarie*, 1/i: 113; 2/ii: 23, 43. Betrothal followed by consummation made a binding marriage in canon law, but betrothal alone did not.

20 Present consent made a marriage binding even without consummation unlike future consent, i.e. betrothal, so a married couple's petition usually stated that they had married *per verba de presenti*.

21 Fourth Lateran Council canon 51 had imposed the requirement of "reading of the banns" and declared children of a clandestine marriage illegitimate; however, canon law recognised them as legitimate if the Church approved the marriage subsequently (presumably by a dispensation): X 4.3.3, 4.17.9; *Corpus iuris canonici*, ed. Friedberg, ii. 679–80, 713.

22 X 4.17.13 (Innocent III's decretal *Per venerabilem*, 1202); *Corpus iuris canonici*, ed. Friedberg, ii. 714–16.

cases comprised violence against clergy, covered by the canon *Si quis suadente* noted above, and apostasy, i.e. professed religious abandoning their convent and habit without permission.[23] Both crimes incurred excommunication that in theory might only be lifted on papal authority. Secondly, *de diversis formis* included petitions for licences relaxing general religious obligations or rules. Catholics were usually required to avoid certain foods, notably meat and dairy produce, during Lent and other fasting periods, for example, but the penitentiary conceded many licences excepting individuals and groups from this obligation.[24] Petitioners often justified the concession on grounds of old age, infirmity, or local scarcity of acceptable substitutes for forbidden foods, such as oil for butter, and fish for meat. Laity and clergy requested these licences, but other licences concerned only clergy. For example, parish priests might seek licences to study at a university for up to seven years and receive income from their benefices during this period, providing that they appointed suitable substitutes to minister to their parishioners; incumbents were hence released from obligations to reside in their benefices.[25] Finally, *de diversis formis* comprised requests for various other graces which made exceptions to the rule. They are designated by distinct terms that are often hard to differentiate.[26] Some petitioners sought relaxation of oaths or vows expressing pious intentions, notably to undertake long-distance pilgrimages, enter the religious life, or observe perpetual chastity. They asked either to be absolved from this personal obligation or for it to be 'commuted into another work of piety', such as alms, and they justified this exception on similar grounds to licences relaxing fasting obligations, such as old age. Again, other graces regarded only clergy, such as dispensations from *defectus corporis* (physical defects). Canon law required candidates for ordination to be physically perfect, and these graces relaxed this rule usually for men with defective eyes or hands, provided that

23 Boniface VIII's constitution *Ut periculosa* (1298) made apostasy a reserved case: VI 3.24.2; *Corpus iuris canonici*, ed. Friedberg, iii. 1065–66. See F.D. Logan, *Runaway Religious in Medieval England c.1240–1540* (Cambridge: 1996).

24 See K. Salonen. "*Debilis complexio*: Christians and Dietary Requirements of Canon Law" in: *Popes, Bishops, Religious, and Scholars. Studies in Medieval History Presented to Patrick N.R. Zutshi for his Seventieth Birthday*, ed. P.D. Clarke and M.J.P. Robson (Turnhout: 2024), 371–88.

25 Boniface VIII's constitution *Cum ex eo* (1298) instituted this system of study leave: VI 1.6.34; *Corpus iuris canonici*, ed. Friedberg, ii. 964–66. See L.E. Boyle, "The Constitution *Cum ex eo* of Boniface VIII: Education of Parochial Clergy," *Mediaeval Studies*, 24 (1962), 262–302.

26 As observed by Fossier in *Le bureau des âmes*, ch. 6.

the "defects" were unlikely to impede their celebration of the sacraments or provoke "scandal" among their parishioners.[27]

The kinds of requests recorded under *de diversis formis* vary in frequency from one European region to another, and this variety often reflects local application of related rules. Petitions for absolution from violence against clergy, for example, appear far less often from England and Wales than the German Empire and Scandinavia. As Richard Helmholz has explained, those charged before the English church courts with assaulting clergy were often absolved locally, and these courts referred only the most serious cases to the Curia. Indeed, English and Welsh penitentiary petitioners in such cases normally admitted to killing or mutilating a cleric.[28] By contrast the proportion of requests for study licences is far higher for England and Wales than the German Empire and Scandinavia. Boniface VIII's constitution *Cum ex eo* had authorised bishops to grant such licences to clergy beneficed in their dioceses, but in the English Church this constitution was not applied to perpetual vicars, so they had to petition the curia for study licences; some other clergy, including rectors and religious, did likewise doubtless since their superiors had also refused them study leave.[29]

A related section of the penitentiary registers that also covered various topics was headed *De declaratoriis*. It comprised petitions for *littere declaratorie*: papal letters clearing petitioners of potential or actual charges of violating canon law. The petitions were normally the longest copied into the registers, since each contained a detailed narrative which explained how such charges might or did arise and why they were invalid. Clergy involved in military, judicial or inter-personal violence resulting in fatalities, for example, sought *littere declaratorie* clearing them of homicide charges. These kinds of letters were comparable to pardons and frequently requested on similar grounds,

27 Clerical petitioners also sought absolution and dispensation for simony: D.L. d'Avray, "Simony, Penitentiary, Conscience", in: *Popes, Bishops, Religious, and Scholars*, ed. Clarke and Robson.

28 *Supplications from England and Wales in the Registers of the Apostolic Penitentiary, 1410–1503*, ed. P.D. Clarke and P.N.R. Zutshi, 3 vols, Canterbury and York Society 103–105 (Woodbridge: 2013–15), I. xxxiv–xxxvi; R.H. Helmholz, "*Si quis suadente* (C.17 q.4 c.29): Theory and Practice," in: P. Linehan (ed.), *Proceedings of the Seventh International Congress of Medieval Canon Law*, Monumenta iuris canonici, series C, 8 (Vatican City: 1988), 425–38.

29 *Supplications from England and Wales*, ed. Clarke and Zutshi, I. xxxi–xxxii; R.M. Haines, Ecclesia Anglicana: *Studies in the English Church of the Later Middle Ages* (Toronto: 1989), 138–55. See also n. 25 above.

especially self-defence and accidental killing.[30] The petitioner thus aimed to show that their involvement in killing was non-culpable and, therefore, should not entail penal consequences. These included deposition from church offices and benefices, hence by clearing their name clergy sought to continue in their ecclesiastical careers.[31]

Petitioners also requested *littere declaratorie* to dismiss apostasy charges. They claimed that they had run away from religious houses but were not technically apostates since their entry to the religious life had been invalid. For example, they had made profession under coercion or underage. Petitioners thus sought to remain in the world and even marry or (in the case of men) become secular clergy, and not be forced to return to the religious life. Laity also sought *littere declaratorie* dealing with alleged marital impediments. These allegations usually arose from convoluted marital or sexual relationships. The petitioners sought letters which declared either that the impediment did not exist, and so their marriage was valid and did not require a dispensation, or that the impediment existed, and so the marriage was null, and they were free to marry someone else, return to a previous marriage or even pursue an ecclesiastical career.[32] Therefore *littere declaratorie* addressed complex legal situations and offered petitioners their preferred resolution of these.

Three further sections of the penitentiary registers included clerical requests for dispensations from impediments to receiving ordination and ecclesiastical benefices. For example, since the early fourteenth century the penitentiary granted dispensations for illegitimate birth or "defect of birth" (*defectus natalium*).[33] In 1298 Boniface VIII had authorised bishops to dispense men of illegitimate birth to receive minor orders and a benefice without "cure of souls",

30 See P.D. Clarke. "Legitimate Self-defence in Medieval Theory and Practice: The European *ius commune* and English Common Law Compared", *Rivista internazionale di diritto commune* 25 (2015), 123–54.

31 Cf. A.A. Larson. "Killing a Career: Homicide and the Development of Medieval Clerical Discipline," *The Jurist* 74 (2014), 265–88.

32 By the late fourteenth century petitioners seeking dispensations for marriage in the third and fourth degrees combined, or second degree combined with others, also required *littere declaratorie*. These usually asserted that the petitioners had first sought a dispensation from the more remote degree then realised that they were related also in the closer degree, so they required *littere declaratorie* confirming that the dispensation was valid for both degrees. Petitioners in fact sought them because papal rulings required this, and these letters probably described a procedural fiction to justify extra documentation that generated additional curial income.

33 L. Schmugge, *Kirche, Kinder, Karrieren: Päpstliche Dispense von der unehelichen Geburt im Spätmittelalter* (Zürich: 1995), esp. ch. 2.

but a papal dispensation was needed for anything more.[34] Thus requests from such men for dispensations to obtain holy orders and a benefice with "cure of souls" appeared in the penitentiary registers under the heading *De defectu natalium*. Like marriage dispensations, petitioners might solicit these graces retrospectively, but if they had not mentioned the impediment when admitted to benefices or ordained by their bishop, they also had to seek papal absolution for consciously breaking canon law. Men needed such graces to start or continue careers as secular clerks, but illegitimate birth did not impede entry to the religious life for men or women.[35] Nevertheless, religious of illegitimate birth needed dispensations for promotion to high office in their order or house, notably abbot or abbess, and *De defectu natalium* also comprised requests for these. Moreover, secular clerks of illegitimate birth who had a papal dispensation to hold a benefice might seek another dispensation to hold one or more extra benefices, requests recorded under the title *De uberiori*. Otherwise, the penitentiary did not grant dispensations for plurality (to hold several 'incompatible' benefices); these were available instead from the papal chancery.

The third section of the penitentiary registers concerning ordination was titled *De promotis et promovendis*. It principally comprised requests for dispensation from "defect of age" (*defectus etatis*). Canon law required men to reach their twenty-fifth year before they might be promoted to the priesthood, but such dispensations allowed their ordination as priests under this minimum age. Again, petitioners might seek these graces retrospectively, following ordination, but they also required papal absolution, especially after Pius II's constitution *Cum ex sacrorum* (1461) increased the penalties for underage ordination. Petitions for licences allowing other kinds of fast-track ordinations also appeared under this heading, notably ordination outside the normal days, to two orders on the same day, or by a bishop resident at the curia. Such graces enabled junior clergy to seize employment opportunities in regions where priests were in short supply, especially as parochial chaplains substituting for non-resident benefice-holders.

Finally, the penitentiary issued various graces indicative of popular piety. The most requested were licences to appoint a personal confessor. In 1215 the Fourth Lateran Council had bound all adult Catholics to confess their sins at least annually at Easter "to their own priest", doubtless meaning their parish priest.[36] The friars subsequently helped popularise confession, and by the mid-thirteenth century many nobles appointed them as private chaplains

34 VI 1.11.1; *Corpus iuris canonici*, ed. Friedberg, ii. 977.

35 Male religious of illegitimate birth, however, required dispensation for ordination.

36 Fourth Lateran Council canon 21; X 5.38.12; *Corpus iuris canonici*, ed. Friedberg, ii. 887–888.

and preferred to confess to them rather than parish priests. Demand for such papal licences thus grew, and by the fifteenth century it extended down the social scale, as the penitentiary registers show.[37] The licences were called *littere confessionales perpetue* as they were usually granted for life. Some petitioners sought special kinds, notably for confessors to absolve them from reserved sins once in a lifetime and to grant them plenary remission at death. Doubtless in reaction to competition from the friars, parish priests asked the penitentiary for *littere confessionales in forma 'Cupientes'* to absolve parishioners from certain grave sins, and for licences to absolve general sentences of excommunication. By 1479–80 the penitentiary registers also comprised requests for licences for portable altars. These allowed clerical petitioners to celebrate masses and lay petitioners to have them celebrated, even with their household, while on the move. By this time these various requests were thus copied in the registers under the composite heading *De perpetuis* [*confessionalibus*], *'Cupientes,' sententiis generalibus ac altaribus portatilibus*.

## 2 The Penitentiary, Bishops, and Courts

As noted above, this business of the penitentiary involved interactions with the officials and courts of local churches, illustrating the relationship between the Curia and different parts of Catholic Christendom. For example, the penitentiary registers routinely recorded the office's decision on petitions for *littere declaratorie* as follows: the petitioner's local ordinary was to be commissioned to verify the petition's details by means of witnesses (*vocatis vocandis*) and if he found them to be true, he was empowered to confer the grace sought. In fact, the office's own rules clarify that this conditional decision also applied to petitions seeking other kinds of graces, notably marriage dispensations, even if this was rarely noted in the penitentiary registers. Thus, penitentiary letters responding to such petitions were addressed not to the petitioners but to their local bishop or the latter's vicar-in-spirituals, who was to deputise in the bishop's absence. Such letters commissioned these churchmen to 'execute' the office's decisions in the manner already described.[38] This meant that the grace

37 See P.D. Clarke. "New Evidence of Noble and Gentry Piety in Fifteenth-Century England and Wales", *Journal of Medieval History* 34 (2008), 23–35.

38 On 'execution', see: P.D. Clarke, "Central Authority and Local Powers: The Apostolic Penitentiary and the English Church in the Fifteenth Century", *Historical Research* 84 (2011), 416–42; *Penitenzieria apostolica: le suppliche alla sacra Penitenzieria apostolica provenienti dalla diocese di Como* (*1438–1484*), ed. P. Ostinelli, *Materiali di storia ecclesiastica lombarda* (*secoli XIV–XVI*), 5 (Milan: 2003), 87–126. Petitioners sometimes sought

sought did not come into effect until and unless this procedure of execution concluded in the petitioners' favour. Petitioners, therefore, had to present the letters for execution on receiving them from the penitentiary. If they neglected to do so, they might not benefit from the grace sought.[39] If their ordinary deemed their petition incorrect (as recounted in the letter) he might withhold the grace, with all the legal consequences this might entail. In the case of a marital dispensation, his refusal might result in their marriage being declared invalid on the grounds of the impediments left undispensed. Although such negative outcomes were apparently rare, they show that execution was crucial and not a mere rubber-stamp.[40]

Nevertheless, execution generally decided in a petitioner's favour and the grace was put into effect; albeit the executors often imposed public penances on petitioners seeking absolution, as penitentiary letters required.[41] The procedure also routinely resulted in a public document certifying the letters' execution, which occasionally survives in local records. In England and Wales penitentiary letters were often copied into registers of bishops charged with executing them, sometimes together with certification of their execution. At Como and doubtless other Italian dioceses notaries attached to the bishop's curia produced the certification (sometimes also in the English Church) and copied it into their own registers along with the penitentiary letters thereby executed.[42] Less frequently these local records include evidence of the quasi-judicial inquiries held to verify petitioners' claims, notably the questioning of witnesses who knew the petitioners. In England their testimony was recorded in episcopal registers usually when the bishop sub-delegated these inquiries to

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execution by a bishop other than their ordinary, since they suspected the latter of bias against them or excessive severity: *Supplications from England and Wales*, ed. Clarke and Zutshi, I. xvi–xvii; Clarke, "Central Authority and Local Powers", 439–40.

39 See, e.g., Clarke, "Central Authority and Local Powers", 421–22 (William Griffin of Bangor diocese and his wife Joan of Coventry and Lichfield diocese impetrated a further marriage dispensation from the penitentiary in 1479 because they omitted to present a previous one for execution).

40 See, e.g., Clarke, "Central Authority and Local Powers", 430–31 (Thomas Langton, bishop of Winchester, found in 1496 that Thomas Broke and Joan Lewte of his diocese were related more closely than their petition claimed so he not only refused to execute their retrospective marital dispensation but also ordered their separation).

41 See, e.g.: Clarke "Central Authority and Local Powers", 428–29, 438–39; *Supplications from England and Wales*, ed. Clarke and Zutshi, II. 346 (no. 3034n.).

42 See n. 38 above; notaries were legal clerks licensed to produce documents possessing universal authority.

one or more of his commissaries, and this is strikingly similar in form to witness depositions in English church court records.[43]

Even if the late medieval penitentiary was not a court, it relied upon the co-operation of local clergy whose knowledge of canon law and judicial procedure enabled them to investigate and verify petitioners' claims and decide whether these upheld their request. Curial officials were not usually able to do so themselves. A petitioner present in the curia might seek an executor who was resident there, but the problem then arose of how the executor secured testimony to verify the petition, unless witnesses were also present.[44] Petitioners were rarely present at the curia, however, so the penitentiary usually appointed local executors, a practice that parallels papal appointment of judges delegate to hear cases appealed from their provinces to Rome.

Local churchmen and their legal proceedings not only played a role in concluding petitioners' business with the Curia but also arguably in initiating it. For example, those assaulting clergy notionally incurred excommunication and required papal absolution under the canon *Si quis suadente*, but in practice this sanction and consequent recourse to Rome were not automatic. Increasingly local church courts, especially in England, judged alleged breaches of the canon, determining whether the sanction applied and whether the assailants needed papal absolution. Canon law and canonistic doctrine indeed posited various exceptions where the sanction did not apply or where assailants might seek absolution from local churchmen instead. As already noted, the latter practice became the norm in England, but church courts might refer extreme cases to Rome, such as the castration of a chaplain in Rochester diocese. This case appeared before the bishop's consistory court in 1464, but the court and bishop refused absolution and sent the three assailants to seek this at the curia, where they secured it from the penitentiary.[45]

Potentially, litigation in local church courts motivated other approaches to the curia for papal dispensations.[46] For example, if a couple married within the prohibited degrees of kinship and this became known to their local church court, it might prosecute them for incest and impose an annulment on them *ex officio*. Clearly if the couple had obtained a papal dispensation, they might present it in their defence and avoid this outcome. Indeed, church courts in

43 See, e.g., Clarke, "Central Authority and Local Powers", 425–27, 439–40.

44 *Supplications from England and Wales*, ed. Clarke and Zutshi, I. xvii.

45 Maidstone, Kent History and Library Centre, Drb/Pa/3 (Consistory and audience courts of the bishop of Rochester, composite act book, 1456–68), fol. 500r; *Supplications from England and Wales*, ed. Clarke and Zutshi, II. 29 (no. 1375); see also n. 28 above.

46 For what follows, see Clarke P.D., "Dispensations and Church Courts in Later Medieval England" in: *Popes, Bishops, Religious, and Scholars*, ed. Clarke and Robson, 389–409.

Canterbury and Rochester dioceses ordered parties to produce dispensations in such cases by the fifteenth century. Couples may, therefore, have sought marriage dispensations from the penitentiary in growing numbers by this time as a legal safeguard against such *ex officio* annulments. Clergy had likewise recognised by the early fourteenth century that they might need to present papal dispensations before English church courts to avoid legal repercussions. For example, if they held a plurality of benefices without the appropriate dispensation, these courts might deprive them of these or at least force them to resign their additional benefices. English church courts similarly prosecuted clerks for receiving ordination and benefices without dispensations for illegitimate birth, which might also result in their removal as incumbents. Again, the threat of legal action doubtless prompted increasing numbers of clergy to petition the papal chancery for dispensations for plurality and the penitentiary for dispensations from *defectus natalium*. In addition, English church courts could increasingly rely on parish communities to denounce and even testify against clergy and laity in their midst for lacking the requisite dispensations, further intensifying demand for them at the Curia.

## 3 Epilogue: the Penitentiary and Reformation Europe

Demand for papal graces thus led to growing contacts between the Roman Curia and different regions of late medieval Europe.[47] The registers of the two main curial offices responsible for issuing these graces, the chancery and penitentiary, testify to this. Nevertheless, the Protestant Reformation led some regions to sever all official contacts with the Curia during the sixteenth century, so petitioning from these regions to the penitentiary effectively ceased. Salonen has demonstrated this for Sweden where church and kingdom broke with Rome in 1527. Indeed, she also discovered that Swedish petitions to the penitentiary were already declining as the Protestant Reformation approached; Schmugge found the same among penitentiary petitions for *defectus natalium* from across Northern Europe in the 1510s and 1520s.[48] More research is needed on the sixteenth-century penitentiary registers to understand

47 For statistics illustrating this from the penitentiary registers, see Salonen and Schmugge, *A Sip from the "Well of Grace"*, 27, 48, 57, 61, 64, 68.

48 Salonen, *The Penitentiary as a Well of Grace*, 381–82; Auctoritate Papae. *The Church Province of Uppsala and the Apostolic Penitentiary 1410–1526*, ed. S. Risberg and K. Salonen, Diplomatarium Suecanum Appendix, Acta Pontificum Suecica II: Acta Poenitentiariae (Stockholm: 2008), 105–107; cf. Schmugge, *Kirche, Kinder, Karrieren*, 173–76.

more fully the impact of not only the Protestant Reformations but also the Catholic Reformation on the office. The latter introduced papal reform of the penitentiary in 1569 that significantly reduced its scope. Tridentine reform of canon law also led to the office issuing new kinds of graces, for example in relation to the decree *Tametsi* (1563) which required Catholic marriages to be contracted in church before a priest. Preliminary research on the English Church indicates that the pattern of development could be complex, involving both continuity and change. Henry VIII's break with Rome involved prohibiting his subjects from petitioning Rome for graces. This was laid down in an act of parliament of 1533–34, known as the Dispensations Act.[49] Nevertheless, the act provided that Henry's subjects might instead obtain graces issued by authority of the king and parliament through a new office, the archbishop of Canterbury's 'Faculty Office', which was established in 1534. Dispensations and other graces were too important and sought after to abolish altogether in the English Church, especially because its reform did not immediately establish a new body of Anglican canon law and Anglican bishops retained much of their pre-Reformation jurisdiction.[50] Further research is needed to see whether English and Welsh Catholics still petitioned the penitentiary despite this prohibition (another act renewing it in 1536 suggests as much). Might English and Welsh petitioners have turned back to the penitentiary following Mary I's reconciliation of her realm to Rome in 1553–58? Was there still scope for English and Welsh Catholics to petition the office following Elizabeth I's religious settlement (1559–60) before her anti-Catholic measures intensified in the 1570s? Sixteenth-century penitentiary records can thus help answer these and other questions about how far contacts between the curia and different parts of Western Christendom survived early modern religious upheavals.

49 P.D. Clarke, "Canterbury as the New Rome: Dispensations and Henry VIII's Reformation", *Journal of Ecclesiastical History* 64 (2013), 20–44.

50 R.H. Helmholz, *Roman Canon Law in Reformation England* (Cambridge: 1990).

CHAPTER 11

# Administrative and Diplomatic Practices at the Papal Curia between the Thirteenth and Fourteenth Centuries: the Chancery

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In the early thirteenth-century *History of Evesham Abbey* Thomas of Marlborough attributed Evesham abbey's chances of success in the lawsuit disputed at the papal curia against the bishop of Worcester to his good knowledge of the *stilus curiae*.[1] Thomas's account witnesses to the development of papal administrative and governmental structures from the late eleventh century onwards, when the Latin word *curia* was increasingly employed with reference to the papal court. As Paravicini Bagliani pointed out, the word *curia* was deliberately used to allude to the classical tradition of the Roman Empire, where the term *curia* initially stood for the patriciate of the city of Rome and then the Senate as a meeting place and a governing body. In the late eleventh century the term *curia* had been therefore revived to emphasise the papal reforming attempts to distance the government of the Church from the control of the Roman baronial families.[2] This process coincided with the reform of papal elections in 1059, which gave the cardinalate a more decisive role in the choice of the new pope, and continued in the early twelfth century when the cardinalate increasingly came to embody the Roman Church (*Ecclesia Romana*) along with the pope, contributing to the management and administration of the papal curia.[3] As a result, the papal curia began shaping itself into a more organized administrative structure where, together with the pope and the cardinalate, more specialised departments run the government of the Church.

1 Thomas of Marlborough, *History of the Abbey of Evesham*, ed. J. Sayers snd W. Watkiss (Oxford, 2003), p. 314: "Novi enim modum scribendi pape per moram quam feceram in curia, quod multum profuit cause nostre, quia non scriberet nisi victori" (trans. "the new style of writing which I am accustomed to do in the curia, which greatly benefitted our case, since one would only write it for the winner").

2 A. Paravicini Bagliani, *Il trono di Pietro* (Rome: 1996), 69–70.

3 B. Tierney, *Foundations of the Conciliar Theory: The Contribution of the Medieval Canonists from Gratian to the Great Schism* (Cambridge: 1968), 70; G. Alberigo, *Cardinalato e collegialità: Studi sull'ecclesiologia tra l'XI e il XIV secolo* (Florence: 1969), 36–42; Paravicini Bagliani, *Il trono*, 58.

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At the end of the eleventh century Urban II (1088–99) rationalized papal finances and tax collection, reforming the papal chamber (*camera*) under the lead of the chamberlain (*camerarius*).[4] The chamberlain was responsible for keeping records of *ordines* and popes' lives in the *Liber pontificalis*, and organising financial documents in the *Liber Censuum ecclesie Romane*, a complete list of the taxable lands under papal administration (dated 1192).[5] Furthermore, in the early thirteenth century Pope Innocent III (1198–1216) separated the papal household from the office of the chamberlain. The latter was entrusted with the administration of the income of the Roman Church, donations, maintenance of curialists, palaces and churches under the direct control of the pope, while throughout the thirteenth century external banking companies still collected papal taxes, exchanged foreign currencies at the papal curia, and provided loans on behalf of the chamberlain.[6] It was not until the fourteenth century that the Avignon popes centralized their control over fiscal revenues and tax-collection. Papal tax-collectors were dispatched to the localities and responsible for transferring the money to the curia, often through the service of external banking companies, while an internal system of account registers was implemented.[7]

Similarly, between the twelfth and thirteenth centuries a second department of the papal curia, the papal chapel (*capella*), was also reorganised. From the pontificate of Pascal II (1099–1118) the papal chapel came to include chaplains elevated to cardinal rank, who were responsible for liturgical celebrations, while, from the pontificate of Innocent III, papal chaplains were also increasingly employed to manage judicial arbitrations and administrative

4 P. Toubert, '*Scrinium et palatium*: La formation de la bureaucratie romano-pontificale aux VIII$^{e}$–IX$^{e}$ siècles', in *Roma nell'Alto Medioevo*, I (Spoleto: 2001), 90–104; Paravicini Bagliani, *La cour des papes au XIII$^{e}$ siècle* (Paris: 1995), 79–80.

5 See R. McKitterick, *Rome and the Invention of the Papacy: The Liber pontificalis* (Cambridge: 2020), as well as her essay in this volume.

6 Paravicini Bagliani, *La cour des papes,* 67–68. See also M.D. Ross, *The Papal Chapel, 1288–1304: A Study in Institutional and Cultural Exchange* (PhD, UCL: 2013).

7 C. Samaran and G. Mollat, *La fiscalité pontificale en France au XIV$^{e}$ siècle* (*période d'Avignon et Grand Schisme d'Occident*) (Paris: 1905), 11–68; J. Favier, *Les papes d'Avignon* (Poitiers: 2006), 215–218; 236–258; 367–374; A. Jamme, "Du journal de caisse au monument comptable : Les fonctions changeantes de l'enregistrement dans le Patrimoine de Saint Pierre (fin XIII$^{e}$–XIV$^{e}$ siècle)", *Mélanges de l'École française de Rome*, 118/2 (2006), 247–268. See also F. Piola Caselli, "La contabilità camerale nel periodo Avignonese", in *Aux origines de l'état moderne: Le fonctionnement administratif de la papauté d'Avignon* (Rome: 1990), 413–415; S. Weiß, *Rechnungwesen und Buchhaltung des Avignoneser Papsttums* (*1316–1378*)*: Eine Quellenkunde* (Hannover: 2003); S. Weiß, "The Curia: Camera", in *A Companion to the Medieval Papacy*, K. Sisson and A. Larson (eds.) (Leiden: 2016), 220–238.

tasks at the papal curia.[8] Among the chaplains a special role was held by the penitentiaries, namely the confessors of the pope, who heard the confession of the pope and others at the curia and formed an independent curial department, the apostolic penitentiary, by the mid-thirteenth century.[9] The growth of the papal chapel further coincided with the construction of a dedicated space to accommodate the chaplains (*capellania*). The latter was first located in the Lateran palace, which had hosted the bishops of Rome and popes' residence since the fourth century, while from the early thirteenth century, it had a second location at St Peter, which was also used as a papal residence from the mid-twelfth century.[10]

Alongside the papal chamber and chapel, the pontificate of Innocent III was also significant for the reorganization of the third major department at the papal curia, the chancery, which was responsible for administrative and diplomatic tasks – this office will be investigated in detail below. Innocent III's reforms particularly contributed to regulate the payment of papal officials, the activity of proctors and preventing the production of forgeries. By the early thirteenth century, as Thomas of Marlborough hints in his account, this reorganization led to creation of sophisticated administrative, legal, diplomatic, and ceremonial practices at the papal curia renowned as *mos* or *stilus curie*.[11]

Scholars have mostly attributed the development of the thirteenth-century papal curia to the growth of the spiritual and judicial role of the reformed papacy from the late eleventh century onwards, which played a part in the increasing numbers of petitions and demands for legal arbitrations presented

8 Paravicini Bagliani, *La cour des papes*, 68–69.

9 Paravicini Bagliani, *La cour des papes*, 73–74; K. Salonen, "The Curia: The Apostolic Penitentiary", in *A Companion to the Medieval Papacy*, 259–275; A. Fossier, *Le bureau des âmes: Écritures et pratiques administratives de la Pénitencerie apostolique* (*XIII^e–XIV^e siècle*) (Rome: 2018), 21–48. See also P.D. Clarke's chapter in this volume.

10 Paravicini Bagliani, *La cour des papes*, 9–20.

11 C.R. Cheney, *English Bishops' Chanceries, 1100–1250* (Manchester: 1950); id., *From Becket to Langton: English Church Government, 1170–1213* (Manchester: 1956); P. Herde, *Beiträge zum päpstlichen Kanzlei- und Urkundenwesen im 13. Jahrhundert* (Kallmünz: 1961); B. Schwarz, *Die Organisation kurialer Schreiberkollegien von ihrer Entstehung bis zur Mitte des 15. Jahrhunderts* (Tübingen: 1972); P.N.R. Zutshi, "Innocent III and the Reform of the Papal Chancery", in *Innocenzo III: Urbs et Orbis*, ed. A. Sommerlechner (Rome: 2003), 91–92, 96–98; P.N.R. Zutshi, "Petitioners, Popes, Proctors: The Development of Curial Institutions, c. 1150–1250": in *Pensiero e sperimentazioni istituzionali nella 'Societas Christiana'* (*1046–1250*), ed. G. Andenna (Milan: 2007), 281–283. On the *stilus curie* see *Stilus, modus, usus: Regeln der Konflikt- und Verhandlungsführung am Papsthof des Mittelalters*, G. Strack and J. Nowak (eds.) (Turnhout: 2019). On Thomas of Marlborough in this volume see H. Müller, "Thomas of Marlborough und der modus curiae im Prozess der Abtei Evesham vor dem Papst (1202–1207): Versuch einer Neulektüre", 97–118.

to the papacy. Furthermore, from the mid-thirteenth century, this trend went hand in glove with the progressively interventionist papal policy concerning the provisions to ecclesiastical benefices and dispensations.[12] Confronted with increasing pressure, the thirteenth-century papal curia therefore reshuffled its departments, better coordinating the activity of the chancery with that of other curial departments administering papal justice, namely the *audientia publica*, later known as Rota, and the *audientia litterarum contradictarum*.[13] Accordingly, as mentioned above, the new office of the penitentiary was created to deal with increasing demands for papal graces, while the chamber not only dealt with papal finances, but also with political and diplomatic affairs. By the fourteenth century, the administrative and governmental practices at the papal curia had reached such a degree of complexity that they were notoriously criticised by the fourteenth-century Italian poet Francesco Petrarca as an 'inextricable maze' (*inextricabilis curie labyrintus*) for petitioners visiting the papal curia.[14]

Yet, historians have debated at length whether the complexity of the procedures enacted at the thirteenth- and fourteenth-century papal curia led to the formation of a bureaucratic system. On the one hand, the description of Petrarca and other fourteenth-century Italian detractors of the Avignon papacy had a profound influence on seventeenth- and eighteenth-century Catholic and Protestant scholars interested in papal administrative and diplomatic practices, who have emphasised the nepotistic nature of the administrative procedures implemented at the papal curia.[15] On the other hand, historians have borrowed the Weberian definition of "bureaucracy" and assessed its suitability

12 C.R. Cheney, *Pope Innocent III and England* (Stuttgart: 1976), 66–70; P. Rabikauskas, "La cancelleria e le concessioni papali delle grazie", in *Aux origines de l'État moderne: Le fonctionnement administratif de la papauté d'Avignon* (Rome: 1990), 223–5; Zutshi, "Petitioners, Popes", 265–8; id., "The Papal Chancery: Avignon and Beyond", in *The Avignon Popes and their Chancery: Collected Essays*, P.N.R. Zutshi (ed.) (Florence: 2021), 3.

13 Herde, *Beiträge*, 83–5; id., *Audientia litterarum contradictarum: Untersuchungen über die päpstlichen Justizbriefe und die päpstliche Delegationsgerichtsbarkeit vom 13. bis zum Beginn des 16. Jahrhunderts* (Tübingen: 1970), I, 20–2; Zutshi, "Petitioners", 273–93; K. Salonen, "The Curia: The Sacra Romana Rota", in *A Companion to the Medieval Papacy* 276–290; K. Salonen, *Papal Justice in the Late Middle Ages: The Sacra Romana Rota* (New York: 2016).

14 Francesco Petrarca, *Le Familiari*, ed. V. Rossi (Florence: 1933–1942), III, 112; See P.N.R. Zutshi, "*Inextricabilis curie labyrinthus*: The Presentation of Petitions to the Pope in the Chancery and the Penitentiary During the Fourteenth and First Half of the Fifteenth Century", in *The Avignon Popes*, 85–106.

15 D. Waley, "Opinions of the Avignon Papacy: A Historiographical Sketch", in *Storiografia e storia: Studi in onore di Eugenio Duprè Theseider* (Rome: 1974), 175–88.

to investigate the case-study of the thirteenth- and fourteenth-century papal curia.[16] As I argued elsewhere, there is little evidence to suggest that the late medieval papal curia did match the Weberian ideal-type of legal formality and bureaucracy. In particular, the thirteenth- and fourteenth century papal curia and its administration lacked some of the fundamental characteristics of the Weberian ideal-type of bureaucracy, especially with regard to: the recruitment of administrative staff outside patrimonial circles; the definition of spheres of competence subject to impersonal rules and the separation between private and public spheres; a rationally established hierarchy and rational rules; a regular system of appointment of officials on the basis of free contract and orderly promotion; and technical training of officials as a regular requirement; and finally, fixed salaries paid to officials in money.[17] As Paravicini Bagliani put it, this was the case for the personnel of the papal chapel and chamber during the twelfth and first half of the thirteenth centuries, who acted in both official and personal capacities. While responsible for managing Church finances and upholding the ordinary tasks of the papal curia during *sede vacante* periods, hence securing the stability and continuity of the institution, they remained members of the papal household. Equally, the officials of those two departments contributed to the formation of a memorised institutional history of the papacy, recording the biographies of the popes in the thirteenth century.[18]

Yet, despite the fact that the thirteenth- and fourteenth-century papal curia still represented an imperfect Weberian model of bureaucracy, in D'Avray's opinion it significantly managed to run its business without the bureaucratic and fiscal foundations of its modern counterparts, supplementing bureaucratic deficiencies with legal inventiveness and *ad hoc* rules to achieve practical goals and solutions.[19] This was especially the case of the papal chancery that saw the impressive growth of its administrative and diplomatic practices during the thirteenth and fourteenth centuries, as will be illustrated below.

16 M. Weber, *Economy and Society. An Outline of Interpretive Sociology*, G. Roth and C. Wittich (eds.) (New York: 1968), III, 956–004. For a full account of the scholarship on this topic regarding the formation of bureaucratic systems in England and at the papal curia during the thirteenth and fourteenth centuries see B. Bombi, *Anglo-Papal Relations in the Early Fourteenth Century: A Study in Medieval Diplomacy* (Oxford: 2019), 11–30.

17 Bombi, *Anglo-Papal Relations*, 11–13.

18 Paravicini Bagliani, *Il trono*, 80–82.

19 D. D'Avray, *Medieval Religious Rationalities: A Weberian Analysis* (Cambridge: 2010), 121–36. See also id., *Rationalities in History: A Weberian Essay in Comparison* (Cambridge: 2010), 187.

## 1 The Thirteenth-Century Chancery

As argued above, already before the thirteenth century the papal chancery had undertaken a reorganization of its administrative offices, their procedures, as well as of the diplomatics of documents in order to address political and routine business and avoid forgeries. It had gained, in Zutshi's words, "a virtual monopoly in the business of issuing documents in the name of the pope".[20] Those reforms had already been initiated in the ninth century, when record-keeping, document production, finances and judicial powers were reorganized, still maintaining patrimonial characteristics especially regarding the hereditary appointment to and accumulation of offices.[21] While such reorganization was carried on from the eleventh century onwards, the early thirteenth century arguably marked a decisive shift towards the formation of more sophisticated administrative and diplomatic practices in the chancery.[22] The reforms of the chancery during the pontificate of Innocent III featured clear advances with regard to the record-keeping of documents, systematically organized in an almost continuous series of registers after 1198, and the issuing of chancery rules, formularies and constitutions, which set up clearer regulations and procedures to petition the papal curia.[23] The latter included the removal of porters from the chambers of the chancery notaries to facilitate petitioners' access to the pope, and the introduction of fixed fees for the services of scribes and *bullatores*.[24]

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20 Zutshi, "The Papal Chancery", 3. See also Bombi, *Anglo-Papal Relations*, 33–40.

21 Toubert, "*Scrinium et palatium*", 57–117.

22 H. Bresslau, *Manuale di diplomatica per la Germania e l'Italia*, trans. A.M. Voci-Roth (Rome: 1998), 207–19. See also P.M. Baumgarten, *Aus Kanzlei und Kammer: Erörterung zur kurialen Hof- und Verwaltungsgeschichte im XIII., XIV. und XV. Jahrhundert* (Freiburg: 1907); id., *Von der apostolischen Kanzlei: Untersuchung über die päpstlichen Tabellionen und die Vizekanzler der Heiligen Römischen Kirche im XIII., XIV. und XV. Jahrhundert* (Cologne: 1908); R. Southern, *The Making of the Middle Ages* (New Haven, CT: 1953), 145–54; Toubert, "*Scrinium et palatium*", 116–17.

23 On chancery regulations and constitutions see M. Tangl, *Die päpstlichen Kanzleiordnungen von 1200–1500* (Innsbruck: 1894); Zutshi, "Innocent III", 84–101. On the papal registers see T. Frenz, *I documenti pontifici nel Medioevo e nell'Età Moderna* (Città del Vaticano: 1998), 52–3. Papal registers, now lost, were kept at the papal curia from the pontificate of Urban II (1088–1099), although they probably resembled memorial book rather than official registrations: U-R. Blumenthal, "Papal Registers in the Twelfth Century", in *Proceedings of the Seventh International Congress of Medieval Canon Law*, ed. P. Linehan (Vatican City: 1998), 137–51.

24 Zutshi, "Innocent III", 84–101; id., "The Papal Chancery", 6–7. See also R. von Heckel, "Studien über die Kanzleiordnung Innozenz' III.", *Historisches Jahrbuch*, 57 (1937), 258–289; B. Wiedemann, "Doorkeepers, the chamberlain and petitioning at the papal court, c. 1150–1200", *Historical Research* 91 (2018), 409–425.

These reforms were coupled with a clearer organization of tasks and roles in the office of chancery under the supervision of the vice-chancellor, who was chosen after 1216 because of his professional administrative skills rather than owing to his rank of cardinal.[25] Furthermore, during the pontificate of Innocent III a college of scribes (*scriptores*) was created, enjoying a clearer internal organization.[26] During the thirteenth century the scribes were often papal chaplains and received salaries for their work, although they still relied on provisions to ecclesiastical benefices to top up their income. Scribes worked alongside chancery notaries, who, during the early Middle Ages, had been seven Roman civic notaries (*scrinarii*), responsible for writing and record-keeping. Significantly, the thirteenth-century papal chancery rationalised different tasks involved in the production of documents under the lead of the vice-chancellor: the *data communis* was responsible for receiving petitions, passing them on to the notaries; as assistants of the notaries, the *abbreviatores* were responsible for drafting the minutes of papal letters (*notae*) in accordance with the style of the Roman curia (the *stilus curie*); the *corrector litterarum apostolicarum* was to check the draft letters; the *scriptores* had the task of engrossing papal letters; the *registratores* recorded the documents in the papal registers before they were sealed; and finally the *bullatores* sealed papal letters before their dispatch.[27] Throughout those lengthy procedures, the chancery worked alongside two other departments: the *audientia publica*, where letters of justice were read out giving all the parties involved the right to object their contents; and the *audientia litterarum contradictarum*, where matters that had been objected were heard anew by the *auditor litterarum contradictarum*, who was chosen among jurists and curialists with solid legal training, so that the investigation of objections moved against petitions which had already been approved and sent for engrossment could be carried out with due diligence.[28]

As Brigitte Schwarz put it, the thirteenth-century reorganization of functions and tasks in the papal chancery and the creation of a college of scribes

25 Bresslau, *Manuale*, 221–9.

26 See also Schwarz, *Die Organisation*, 7–22; J. Sayers, *Papal Government and England during the Pontificate of Honorius III (1216–1227)* (Cambridge: 1984), 16–19, 24–8, 41–6; B. Barbiche, "Diplomatique et histoire sociale: Les 'scriptores' de la chancellerie apostolique au XIII$^{e}$ siècle", in id., *Bulla, legatus, nuntius:. Études de diplomatique et de diplomatie pontificales (XIII$^{e}$–XVIII$^{e}$ siècle)* (Paris: 2007), 43–55.

27 Frenz, *I documenti*, 64. As Zutshi pointed out, marks appear on original papal letters from the pontificate of Innocent III evidencing the interventions of the chancery personnel on the production of papal letters: Zutshi, "The Papal Chancery", 6–7; Zutshi, "*Inextricabilis curie labyrinthus*", 93–95.

28 See above n. 13. G.B. Guillemain, *La cour pontificale d'Avignon, 1309–1376* (Paris: 1966), 304–31; Herde, *Beiträge*, 164–73; id., *Audientia*, 57–65; Schwarz, *Die Organisation*, 25–38, 84–125, 137–41; Barbiche, "Le personnel", 22; id., "Les scribes", 35–55; Bresslau, *Manuale*, 253–8.

lacked a clear distinction between private and public spheres, since the chancery personnel were still mostly remunerated in benefices. In this respect, they fell short of the Weberian model of rational bureaucracy.[29] There were however remarkable advances regarding regulations for curial officials and their office, while the chancery personnel began to professionalize. During the thirteenth century professional training for the personnel working in the papal administration mostly built on the Italian notarial tradition. Notaries public in fact were not only employed in the papal chancery but also worked as free-lancers and private assistants of the curial personnel.[30] Notaries were particularly well-suited for those tasks because of their training in the *ars dictaminis*, a branch of rhetoric which focused on the art of prose and verse composition alongside oratorical and declaratory practices, where rules for both writing petitions and speaking publicly were spelt out.[31] Indeed, the special style of good prose and writing, already referred to, in Thomas of Malborough's chronicle, as *mos* or *stilus curie*, emerged from the revival of classical rhetorical studies of the *ars dictaminis*. The latter was undertaken between the end of the eleventh and the early twelfth centuries at Montecassino in southern Italy and in Bologna, where it went hand in glove with the professionalisation of university-trained lawyers. In the twelfth century the *ars dictaminis* and the so-called *stylus supremus* for prose and verse compositions were further taught in the French schools of Tours, Meung and Orleans, while during the first half of the thirteenth century they flourished in central and southern Italy, where a special style of rhythmical prose was developed for use in civic debates and secular administrations.[32] Meanwhile, the rules of the *ars dictaminis* were

29 Schwarz, *Die Organisation*, 13–24.

30 G. Barraclough, *Public Notaries and the Papal Curia: A Calendar and a Study of a Formularium notariorum curie from the Early Fourteenth Century* (London: 1934), 13–20; C.R. Cheney, *Notaries Public in England in the Thirteenth and Fourteenth Centuries* (Oxford: 1972), 51–71. Significantly, Schwarz compared the college of scribes at the papal curia to the guild tradition of notaries in northern Italian towns: Schwarz, *Die Organisation*, 79–83, 186–204.

31 P.N.R Zutshi, "The Office of Notary in the Papal Chancery in the mid-Fourteenth Century", in *The Avignon Popes*, II, 155–178; Bombi, *Anglo-Papal Relations*, 34–35, 64–66; id., "'*Solom le cours de leglise de Rome*': The Use of the *stilus curiae* in Anglo-papal Correspondence during the First Half of the Fourteenth Century", in *Stilus, modus*, 175–194.

32 E. Artifoni, "Gli uomini dell'assemblea: L'oratoria civile, o concionatori, e i predicatori nella società comunale", in *La predicazione dei frati dalla metà del '200 alla fine del '300* (Spoleto: 1995), 181–8; B. Grévin, *Rhétorique du pouvoir médiéval: Les Lettres de Pierre de la Vigne et la formation du langage politique Européen* (*XIII^e–XV^e siècle*) (Rome: 2008), 831–6; A. Cirier, "Diplomazia e retorica comunale: La comunicazione attraverso lo spionaggio politico nell'Italia medievale (secc. XII–XIII)", in *Comunicazione e propaganda nei secoli XII e XIII*, R. Castano, F. Latella, T. Sorrenti (eds.) (Rome: 2005), 199–203.

adopted and codified for the use of the curial personnel in treatises such as the *Ars dictandi* of the notary, papal chancellor and Cardinal of Santa Sabina, Thomas of Capua (*c.*1185–1239).[33] These treatises served to train chancery personnel in the *stilus curie*, its formulaic language, rhythmical prose, known as *cursus Romane curie*, and the procedures to have petitions approved at the papal curia.

Because of the growing complexity of those administrative and diplomatic practices, petitioners increasingly needed the assistance of professional agents, namely proctors, in their dealings with the thirteenth-century papal chancery. Proctors were free-lancers, trained as notaries public or in the *dictamen*. They acted as petitioners' agents before the curial departments managing their affairs according to the mandate of procuration (*procuratorium*). Their faculties could include the presentation of petitions (*ad impetrandum*), the management of payments and fees (*ad solidum*), and the representation of clients before the papal courts (*ad agendum*). In the case of important clients, proctors could also act as diplomatic representatives before the pope and the consistory, conveying oral and written messages and undertaking political negotiations.[34] Although the employment of proctors is evidenced at the papal curia from the late twelfth century, in the early thirteenth century the ordinances for the papal chancery tried to limit and regulate the activities of

33 F, Delle Donne, "Tommaso di Capua e la cancelleria papale: Tra normativa e comunicazione politica", in *Dall"ars dictaminis' al 'preumanesimo'? Per un profilo letterario del secolo XIII*, F. Delle Donne, F. Santi (eds.) (Florence: 2013), 43–61; Grévin, *Rhétorique*, 138–147.

34 R. von Heckel, "Das Aufkommen der ständigen Prokuratoren an der päpstlichen Kurie im 13. Jahrhundert", in *Miscellanea Francesco Ehrle*, II (Rome: 1924), 290–321; Herde, *Beiträge*, 125–48; Herde, *Audientia*, 1–78, 372–5, 412–3; Guillemain, *La cour*, 567–72; W. Stelzer, "Aus der päpstlichen Kanzlei des 13. Jahrhunderts: Magister Johannes de Sancto Germano, Kurienprokurator und päpstlicher Notar", *Römische Historische Mitteilungen* 11 (1969), 210–21; id., "Niederaltaicher Prokuratorien: Zur Geschichte der Impetrationsvollmachten für die päpstliche Kurie im 13. Jahrhundert", *MIÖG* 77 (1969), 291–313; id., "Beiträge zur Geschichte der Kurienprokuratoren im 13. Jahrhundert", *Archivum Historiae Pontificiae*, 8 (1970), 113–138; id., "Über Vermerke der beiden Audientiae auf Papsturkunden in der zweiten Hälfte des 13. Jahrhunderts", *MIÖG* 78 (1970), 308–22; P. Linehan, "Proctors Representing Spanish Interests at the Papal Court, 1216–1303", *Archivum Historiae Pontificiae* 17 (1979), 69–123; Zutshi, "Proctors", 16–19; A. Sohn, *Deutsche Prokuratoren an der römischen Kurie in der Frührenaissance (1431–1474)* (Cologne: 1997), 61–82; B Bombi, "Andrea Sapiti, un procuratore trecentesco, fra la curia avignonese, Firenze e l'Inghilterra", *Mélanges de l'École française de Rome. Moyen Âge* 115 (2003), 897–930; P.M Berthe, *Les procureurs français à la cour pontificale d'Avignon (1309–1376)* (Paris: 2014), 79–83; Bombi, *Anglo-Papal Relations*, 104–106.

resident proctors.[35] Proctor's terms of appointment were limited to two years, while only persons of high status, namely *sublimes persone*, could be represented by agents at the papal curia.[36] In 1274 the Second Council of Lyons in the constitution *Properandum* decreed ethical standards for advocates and proctors practicing in the Church courts and at the papal curia and set a cap on legal fees (20 *livres tournois* for advocates, 12 for proctors). *Properandum* was only implemented locally until the 1330s, when Pope Benedict XII reintroduced the obligation of an admission oath and graduated the fees for legal practitioners at the papal curia.[37]

## 2 The Avignon Papacy and Its Correspondence

The fourteenth century saw a further growth of the curial administrative and diplomatic practices following the move of the papacy to the South of France in 1305 and its establishment in Avignon from the pontificate of John XXII (1316–1334).[38] In Avignon Pope Benedict XII (1334–1342) initiated the construction of the *Palais des Papes*, which was further enlarged and completed under Clement VI (1342–1352). As Guillemain pointed out, the construction of papal palace in Avignon was required to accommodate the 25 cardinals and over 500 members of the Roman curia, who moved to southern France alongside over 1000 servants, not to mention the curialists who served the curia and increasingly crowded the modest town of Avignon.[39] In 1335 the construction of the new papal palace was undertaken to accommodate the papal household and curial departments. It included a sizable chapel for formal ceremonies, consecrated in 1336, and the Pope's Tower, which hosted during the pontificate of Benedict XII the Lower Treasury, the papal chamber, and the Chamberlain's

35 Zutshi, "Proctors", 275–294; id., "Petitioners", 265–293; B. Bombi, "Andrea Sapiti: His Origins and His Register as a Curial Proctor", *The English Historical Review*, 132–148.

36 *Die päpstlichen Kanzleiordnungen*, c. 3–4, c. 7, 54. See also von Heckel, "Das Aufkommen", 306–309. On the limitation of proctors' appointments to two years see c. 12 in *Die päpstlichen Kanzleiordnungen*, 55. See also Zutshi, "Innocent III", 91–92, 96–98; Zutshi, "Petitioners", 281–283.

37 J.A. Brundage, *The Medieval Origins of the Legal Profession: Canonists, Civilians, and Courts* (Chicago: 2008), 301–305.

38 Zutshi, "Proctors", 23–27. See also R. Wright, *The Church and the English Crown, 1305–1334* (Toronto: 1980), 109–113; B. Barbiche, "Les procureurs des rois de France à la cour pontificale d'Avignon", in *Aux origines*, 81–112; Bombi, *Anglo-papal Relations*, 104–106.

39 B. Guillemain, *I papi d'Avignone: Arte, cultura, organizzatione, carità. La Chiesa al passaggio dal Medioevo al mondo moderno* (Milan: 2003), 30–41. For a full account see also Guillemain, *La cour pontificale d'Avignon (1309–1376)* (Paris: 1962), 561–590.

rooms. Those spaces were adjacent to the Papal Apartments with the so-called Study tower, where the pope's *studium* was located, and the Higher Treasury, construction of which was also begun in 1336. Finally, in 1338 work began on the Consistory Wing and the Latrine and Kitchen Towers, while the Familiars' Wing and the Bell Tower were completed between 1338 and 1341 along with the Tower of Trouillas, which stood on the other side of the chapel and housed the palace prison and the chamber of the sergeant-at-arms.[40] The palace structure was further expanded under Clement VI with the construction of the Wardrobe tower and the Kitchen tower in 1342–1343, followed by the Grand Audience and Great Chapel between 1346 and 1351, and the Grand Dignitaries Wing, completed in 1347, which enclosed the so-called courtyard of Honour.[41] The Grand Audience was to host the *audientia publica*, while the *audientia litterarum contradictarum* was located in the *Gache* tower on its side. The Great Chapel, above the Grand Audience and adjacent to the Dignitaries Wing, was to host ceremonial and diplomatic engagements and was connected through the courtyards to the Consistory Wing, which was used for audiences before the pope and the cardinals.[42] Arguably, Clement VI's additions to the *Palais des Papes*, especially the Grand Audience and the Grand Chapel, which visitors accessed through the courtyard of Honour, reflected the growing need to accommodate the diplomatic, administrative and ceremonial engagements of the Avignon papacy and reflected its political importance in fourteenth-century Europe.[43]

Although during the Avignon period the papal chancery occupied a central function in the papal administration, it was not allocated a dedicated space in the *Palais des Papes*.[44] Indeed, the chancery personnel worked in the vice-chancellor and other chancery officials' private homes, which were located in Avignon but outside the papal palace. This choice may have been to some extent the legacy of the thirteenth-century tradition, when the papal chancery still lacked a physical permanent location due to the itinerant nature of papal government and was still very much identified with its head. Indeed, in the Avignon period the term *cancellaria* was still used with reference to the

40 V. Theis, "A New Seat for the Papacy: Benedict XII, Avignon, and the Comtat Venaissin", in *Pope Benedict XII (1334–1342): The Guardian of Orthodoxy* (Amsterdam: 2018), 119.

41 D. Vingtain, *Le Palais des Papes d'Avignon* (Arles: 2015).

42 Bombi, *Anglo-papal Relations*, 53–56.

43 G. Mollat, *Les papes d'Avignon, 1305–1378* (Paris: 1949), 10–12, 32–3; Y. Renouard, *The Avignon Papacy* (London: 1970), especially p. 132; P.N.R Zutshi, "The Avignon Papacy", in *The New Cambridge Medieval History*, VI ed. M. Jones (Cambridge: 2000), 662–9.

44 Schwarz, *Die Organisation*, 46–48; Rabikauskas, "La cancelleria", 234–235.

vice-chancellor and his powers rather than the office and its location, retaining important characteristics of household administrations.[45]

Equally, a sign that the management of the fourteenth-century papal chancery had not developed a complete distinction between private and public spheres is found in the fact that after 1325 the vice-chancellor was once more appointed among those cardinals with a degree of legal expertise.[46] As part of his faculties, the vice-chancellor could approve some petitions on behalf of the pope, he could deal with the appointment of notaries public and could receive resignation of benefices from the cardinals.[47] In terms of administrative practice, the vice-chancellor had the duty of distributing the fair copy of approved documents to be issued and sealed.[48] Because of the growing amount of business, a new role was created in the chancery for the *referendarii*, who carried out a preliminary selection of the petitions before their presentation to the pope and advised petitioners and their proctors on the petitions' conformity to the *stilus curie*.[49] Replaced by the *referendarii* in their old tasks, the notaries were therefore able to focus on the production of letters of justice, often concerning the provision to benefices, and their issuing along with the *abbreviatores notariorum*, who acted as assistants of the notaries, living and working in their houses.[50] The work of the notaries was finally checked by the *corrector litterarum apostolicarum*, who were tasked in the Avignon period with checking that letters of justice conformed to the *stilus curie*.[51] Finally, the increasing demands for arbitrations and graces required the growth of the number of *scriptores* (counted at about 100), who were assigned more specialised tasks and began to be paid salaries, though they were still part of the papal household.[52] The work of the *scriptores* was coordinated by the *distributor litterarum apostolicarum*, responsible for distributing letters of justice for engrossment, and the *distributor rescribendarum*, who distributed letters of

45 Schwarz, *Die Organisation*, 137–141.

46 Bresslau, *Manuale*, 221–9; Schwarz, *Die Organisation*, 7–22; Sayers, *Papal Government*, 16–19, 24–8, 41–6; Frenz, *I documenti*, 62.

47 Rabikauskas, "La cancelleria", 225.

48 B. Bombi, "Der Geschäftsgang der Suppliken im ersten Viertel des 14. Jahrhunderts: Einige Beispiele anhand des Registers des Kurienprokurators Andrea Sapiti", *Archiv für Diplomatik* 51 (2005), 269–271; P.N.R. Zutshi, "Petitions to the Pope in the Fourteenth Century", in *The Avignon Popes*, 27–46.

49 Bombi, "Der Geschäftsgang", 256–264; Zutshi, "Petitions", 28.

50 Zutshi, "The office of notary", 155–178; Rabikauskas, "La cancelleria", 228; 231.

51 Rabikauskas, "La cancelleria", 228–229.

52 Schwarz, *Die Organisation*, 13–18; 47–51; Rabikauskas, "La cancelleria", 231–233.

grace, while the so-called *auscultatores et computatores* had the task of checking that the due fees had been paid to the *distributores*.[53]

Although this may have looked as unnecessarily complex set of procedures for the production of papal documents, we can concur with Schwarz that multiple checks were needed because the *scriptores* did not all share the same bureau, where it would have been easier to check that due process had been implemented, but worked in their own homes at different locations.[54] Accordingly, new regulations were issued for the office of chancery and its officials, collected in the *Libri cancellerie* surviving for the period 1316–1454. The latter show the efforts to rearrange the internal administrative practices of the chancery, the *audientia litterarum contradictarum* and the Rota as well as to establish set rules for the petitioners approaching the curia. They substantially differed in their nature from the thirteenth-century formularies, which were mostly compiled as private manuals by chancery officials and notaries public.[55]

Significantly, in the fourteenth century both the volume of demands and the cost of petitioning the papal curia prompted the coordination, and occasionally the duplication of, tasks across curial departments. The *bullatores*, responsible for sealing the approved papal documents, were moved outside the chancery and under the control of the pope and the chamber, which was located in the *Palais des Papes* and collected the fees paid by petitioners for the issuing of the documents.[56] Meanwhile, graces and papal letters could also be issued by the penitentiary and the papal chamber respectively, thus giving petitioners a better choice and chance to save on fees.[57] Already in the thirteenth century, the chamber had been occasionally entrusted with the

53 Schwarz, *Die Organisation*, 33–34; 102–109.

54 Schwarz, *Die Organisation*, 67–71.

55 See *Regulae, ordinationes et constitutiones Cancellariae apostolicae*, ed. A. Meyer, https://www.uni-marburg.de/de/fb06/mag/institut/prof-dr-andreas-meyer/kanzleiregeln (accessed 21 August 2022). See also Schwarz, *Die Organisation*, 218–57; A. Meyer, "Die geplante neue Edition der spätmittelalterlichen päpstlichen Kanzleiregeln", in *Stagnation oder Fortbildung? Aspekte des allgemeinen Kirchenrechts im 14. und 15. Jahrhundert* (Tübingen: 2005), 117–31; B. Hotz, "Von der Dekretale zur Kanzleiregel: Prärogativen beim Benefizienerwerb im 14. Jahrhundert", in *Stagnation oder Fortbildung?*, 197–219; B. Hotz, "'Libri cancellarie' spätmittelalterlicher Päpste", in *Proceedings of the Thirteenth International Congress of Medieval Canon Law*, P. Erdö, S.A. Szuromi (eds.) (Vatican City: 2010), 397–418.

56 Bresslau, *Manuale*, 251–3; Sayers, *Papal Government*, 46–9. See also Baumgarten, *Aus Kanzlei und Kammer*, 47–86.

57 P. Gasnault, "L'élaboration des lettres secrètes des papes d'Avignon: Chambre et chancellerie", in *Aux origines*, 209–222; Zutshi, '*Inextricabilis curie labyrinthus*', 102–103.

issuing of curial letters, namely letters patent and close which were issued on the initiative of the papal curia and mostly dealt with political and diplomatic correspondence as well as with the administration of the papal state.[58] While matters concerning provisions to benefices and graces continued to be dealt with in the chancery, from the pontificate of Benedict XII (1334–1342) letters dealing with administrative and political matters came to be known as secret letters. The latter were so-called after the pope's secretaries (*secretarii*) who were attached to the apostolic chamber and responsible for drafting those documents, while the *scriptores* based in the chamber were engrossing and registering them in a series of special registers.[59] This administrative practice allowed the pope and his entourage direct supervision over the production of these letters, which were occasionally dictated to the secretary, or even personally written by the pope.[60] Finally, during the pontificate of Innocent VI (1352–1362) the functions associated with the work of the pope's secretaries responsible for issuing secret letters came to be known as *secretaria*. The latter took its name from the kind of correspondence administered by the secretaries, who numbered around twelve between 1334 and 1378.[61] Equally, it is likely that from the pontificate of Benedict XII the secretaries also took over the issuing of some curial letters, which were dispatched through the chamber (*littere que per cameram transieverunt*), while from 1359 the secretaries were also responsible for their drafting, engrossment, and registration.[62]

Yet, as I argued elsewhere, there is already evidence of experimentation concerning the registration of political, administrative and diplomatic correspondence in separate sets of registers during the thirteenth century.[63]

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58 P.N.R. Zutshi, "The Political and Administrative Correspondence of the Avignon Popes, 1305–1378: A Contribution to Papal Diplomatic", in *The Avignon Popes*, 225–240.

59 Gasnault, "L'élaboration", 209–210, 215–217.

60 P.N.R. Zutshi, "The Personal Role of the Pope in the Production of Papal Letters in the Thirteenth and Fourteenth Centuries", in *The Avignon Popes*, 207–224; Gasnault, "L'élaboration", 210–14; P.N.R. Zutshi, "Changes in the Registration of Papal Letters under the Avignon Popes (1305–1378)", in *The Avignon Popes*, 254–5; Barbiche, "Le personnel", 118–20.

61 Gasnault, "L'élaboration", pp. 208–222.

62 Gasnault, "L'élaboration", 220–221.

63 Bombi, *Anglo-Papal Relations*, 38. On those thirteenth-century registers see also K. Hampe, "Aus verlorenen Registerbänden der Päpste Innozenz III. und Innozenz IV", *MIÖG* 23 (1902), 545–67; id., "Aus verlorenen Registerbänden der Päpste Innozenz III. und Innozenz IV", *MIÖG* 24 (1903), 198–237; F. Bock, "Studien zur Registrierung der politischen Briefe und der allgemeinen Verwaltungssachen Johanns XXII", *QFIAB* 30 (1940), 138–40; id., "Gregorio VII e Innocenzo III: Per un confronto dei Registri Vaticani 2 e 4–7/A", *Studi gregoriani* 5 (1956), 243–79; id., "Originale und Registereinträge zur Zeit Honorius III", *Bullettino dell'Archivio paleografico italiano* n. ser. II–III (1956–1957), 101–16; id., "Studien zu den Registern Innocenz IV", *Archivalische Zeitschrift* 52 (1956), 1–48; F. Kempf, "Zu den

A further decisive administrative shift towards the registration of common and curial letters in different series of registers took place in the fourteenth century with the creation of two series of registers recording common letters, namely the paper registers known as *Registra Avinionensia* and the parchment registers known as *Registra Vaticana*. Furthermore, registers of secret letters were also introduced and survive from the pontificate of John XXII (1316–1334), although they were probably already in use during the pontificate of Clement V (1305–1314) and are now lost.[64] As Pierre Jugie has recently pointed out, the pope's secretaries, who often also acted as special envoys in diplomatic negotiations, were arguably behind the creation of a continuous series of registers of secret letters. The latter were in fact discontinued during the fourteenth century at times of administrative reshuffle in the pope's secretariat. This was for instance the case between 1357 and 1358, when the registration of secret letters appears to have been disrupted because of the turnover of administrative personnel among the pope's secretaries after the death of the long-standing pope's secretary, Francesco Calvo of S. Massimo.[65] Moreover, as I have shown elsewhere, the creation of an almost continuous set of secret registers after 1323 not only evidence a new distribution of work across the chancery and chamber, but was significantly prompted by political and practical circumstances. Yet, in the registers of secret letters diplomatic and political correspondence was not conventionally organized in chronological order, but in "dossiers" arranged according to geographical and thematic criteria, making the diplomatic and political correspondence between the papacy and its addressees in the localities better available for consultation, especially in the context of international conflicts, such as the Anglo-French Wars of St Sardos (1323–1325), in which Pope John XXII became involved as peace-maker.[66]

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Originalregistern Innocenz" III, *QFIAB* 36 (1956), 86–137; O. Hageneder, "Quellenkritisches zu den Originalregistern Innocenz" III., *MIÖG* 68 (1960), 128–39; E. Pásztor, "Studi e problemi relativi ai registri di Innocenzo III", *Annali della scuola speciale per archivisti e bibliotecari dell'Università di Roma* 2 (1962), 287–304; F. Bock, "Päpstliche Sekretregister und Kammerregister. Überblick und Ergänzung früherer Studien zum Registerwesen des Spätmittelalters", *Archivalische Zeitschrift* 59 (1963), 30–40, 45–58; M. Giusti, *Studi sui registri di bolle papali* (Vatican City: 1968), 383–459; E. Pásztor, "Contributo alla storia dei registri pontifici del secolo XIII", *Bullettino dell'Archivio Paleografico Italiano* 1 (1962), 37–83; id., "Per la storia dei Registri pontifici nel Duecento", *AHP* 6 (1968), 71–112; *Epistole et dictamina Clementis pape quarti: Das Spezialregister Papst Clemens' IV*., ed. M. Thumser (Wiesbaden: 2022).

64 Zutshi, "Changes", 107–139.

65 P. Jugie, "Les mentions hors teneur dans les minutes de lettres secrètes et curiales du pape Innocent VI (1352–1362): Un chantier en course", in *Le discret language du puvoir: Les mentions de chancellerie du Moyen Âge au XVII^e siècle*, ed. O. Canteaut (Paris: 2019), 233–261. See also Gasnault, "L'élaboration", 219–221.

66 Bombi, *Anglo-papal Relations*, 157–173.

## 3 Conclusion

This brief overview of administrative and diplomatic practices at the papal curia during the thirteenth and fourteenth centuries has shown how the development of the curia and its departments, notably the chancery, rested on the increasing political importance of the papacy in the Late Medieval West as a spiritual and temporal power, which, in turn, exponentially increased the number of requests for papal arbitrations and graces.

All in all, we can concur with d'Avray that thirteenth- and fourteenth-century papal administrative and diplomatic practices remedied bureaucratic deficiencies with legal inventiveness and *ad hoc* solutions. This was especially the case of the papal chancery where the undeniable specialization and training of personnel, the creation of hierarchies in the office, the attempt to coordinate with other curial departments such as the chamber, and the creation of regulations and record-keeping practices were hampered by the household status of office holders and the lack of a clear distinction between the pope's personal rule and the curia as an impersonal governmental institution.

As Thomas of Marlborough's account emphasised, already in the early thirteenth century, petitioners approaching the papacy perceived the curia as an administrative and governmental body that followed quite complex practices, encompassed in the expression *stilus* or *mos curie*. While, as illustrated above, throughout the thirteenth and fourteenth centuries there were several attempts at institutionalising those administrative and diplomatic practices, they often only resulted in a transitory solution required to cope with the growing day-to-day business and changing political circumstances – last but not least, the move of the curia from central Italy to the South of France in 1305. Although some temporary stability appeared to have been found in Avignon after 1335 with the construction of the *Palais des Papes*, it is significant that an important department, such as the chancery, did not find a location in the new papal palace, but was accommodated in the private dwellings of the vice-chancellor and his officials. Indeed, as mentioned above, in the early fourteenth century the term *cancellaria* still referred to the vice-chancellor and his powers as much as the word *secretaria* still denoted the service of the pope's secretaries rather than the office. In this respect, Guillemain's definition of the fourteenth-century papal curia as a "patriarchal community" (*une communauté patriarcale*) still seems fitting for purpose.[67]

67 Guillemain, *La cour*, 38–42.

CHAPTER 12

# Sacra Romana Rota – the Papal Tribunal of Tribunals?

*Kirsi Salonen*

## 1 Introduction

This chapter deals with the highest ecclesiastical tribunal, the Sacra Romana Rota. The aim of the chapter is to answer to three fundamental questions regarding the activity and the role of this tribunal: 1) What kinds of issues did the Sacra Romana Rota handle?; 2) Where did the Rota processes originate from?; 3) How long did the Rota processes last? Based on answering these questions, the chapter aims at determining the significance of the Rota for Christians. Was it 'the tribunal of tribunals' as the earlier scholars have claimed?

The chapter is based on a thorough study of thousands of documents from the fifteenth and sixteenth centuries preserved in the archives of the Rota, nowadays kept in the Vatican Apostolic Archives. It first presents the Rota, its history, functioning, and existing source material along with previous research on the office. After that the chapter will answer the three above-stated fundamental questions and conclude with the significance of the Rota.

## 2 What Was the Sacra Romana Rota?

The Sacra Romana Rota was the highest ecclesiastical tribunal functioning at the papal curia, and it stood in the service of any Christian who had a legal issue to solve. The official name of the tribunal was *Audientia sacri palatii*, but it is generally known as the Sacra Romana Rota or just the Rota. The late medieval Rota had a double function. On the one hand, it functioned as a tribunal of appeal for Christians from all over the Latin West. On the other hand, it was a court of first instance for the inhabitants of the diocese of Rome and the Papal States.

The legal issues brought before the Rota were typically such that they belonged to the ecclesiastical jurisdiction. These included 1) matters regarding the Church, such as litigations between two monasteries, 2) matters regarding persons belonging to the clerical state, such as litigations between two priests

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over an ecclesiastical benefice, and 3) issues that would be considered purely ecclesiastical, such as the right to choose one's burial place. In certain cases, such as in cases brought before the Rota by the subjects of the Papal States or the diocese of Rome, the tribunal's competence was extended to certain kinds of civil litigation, such as the hereditary rights of widows and orphans.[1]

## 3 The History of the Rota

The historical roots of the Rota lie far back in the past. It is not possible to define when the Rota was officially born because it was never officially founded, rather it developed gradually.[2] The origin of the Rota is typically dated to the end of the twelfth century, when papal administration and jurisdiction began to professionalize.[3] During this period, more and more juridical issues were brought before the papal administration, because the pope was considered as the highest judicial authority in the Western Christendom. Very soon the number of such cases multiplied and the popes could no longer handle all of them personally, and therefore they began to delegate their tasks to trustworthy and jurisprudent men in the papal curia. One of the central popes in the development of the Rota was Innocent III (1198–1216). He was the first pope who systematically delegated judicial cases to jurisprudent cardinals. This practice was not his invention but he turned an earlier practice of his predecessors into a permanent rule according to which popes entrusted the resolving of certain judicial problems to papal chaplains (*capellani papae*).

Originally, the cardinals took care of the most significant or difficult legal issues, while the chaplains dealt with more common types of cases. Due to their many other commitments, the role of the cardinals in dispensing papal justice began to diminish in the course of the thirteenth century and the papal

1 Concerning the activity and the powers of the Rota, N. Hilling, *Die römische Rota und das Bistum Hildesheim am Ausgange des Mittelalters (1464–1513): Hildesheimische Prozessakten aus dem Archiv der Rota zu Rom* (Münster: 1908); C. Bukowska-Gorgoni, *Causae Polonae coram Sacra Romana Rota XV–XVII saec.: Explanatio processuum et regesta documentorum* (Rome: 1995); P. Ingesman, *Provisioner og processer: Den romerske Rota og dens behandling af danske sager i middelalderen* (Århus: 2003); S. Killermann, *Die Rota Romana: Wesen und Wirken des päpstlichen Gerichtshofes im Wandel der Zeit* (Frankfurt a.M.: 2009); K. Salonen, *Papal Justice in the Late Middle Ages: The Sacra Romana Rota* (Surrey: 2016).

2 Killermann, *Die Rota Romana* 13; M. Ascheri, "Höchste Gerichte in Italien zur Zeit des Ancien Régime", in I. Scheurmann (ed.), *Frieden durch Recht: Das Reichskammergericht von 1495 bis 1806* (Mainz: 1994), 428–434, at 428.

3 Bukowska-Gorgoni, *Causae Polonae*, 67; Ingesman, *Provisioner og processer*, 86. Only Stefan Killermann (*Die Rota Romana*, 13–24) places the birth of the Rota in a much earlier period by connecting it to the first signs of papal jurisdiction.

chaplains received a more active role in the handling of litigations. Since the Church could not use the services of these men without a monetary contribution, the ecclesiastical judges became permanent employees of the curia during the second quarter of the thirteenth century.

An important milestone in the history and development of the Rota was the promulgation of the constitution *Ratio iuris* by the Avignon-based Pope John XXII (1316–1334) in 1331.[4] Although the constitution did not create the Rota, which had existed and functioned already for a long time, it greatly contributed to the development of the Rota by regulating its activities. The *Ratio iuris* defined the role and status of the auditors and the notaries employed by the Rota, confirmed its collegial decision-making procedure and stated that the documentation concerning the Rota processes had to be noted down in the tribunal's registers or memorials.

The later popes continued to regulate the activity of the Rota: In 1340 Pope Benedict XII (1334–1342) defined the role, status, and tasks of the procurators and the advocates practicing in the curia, including the Rota, with his constitution *Decens et necessarium*. Gregory XI (1370–1378) in his turn clarified in 1375 the previous regulations regarding the requirements and the roles of the employees of the Rota in his constitution *Quamvis a felicis*.[5] The activity of these Avignon popes was thus crucial in defining and establishing the activity and powers of the Rota. When Gregory XI returned from Avignon to Rome in 1377, the tribunal followed the pontiff to the Eternal City, and the Sacra Romana Rota in a strict sense was born. The establishing of the Roman Rota was, however, temporary because the Great Western Schism (1378–1417) divided the tribunal, and the Roman Rota could fully function only after the Schism was over and the commonly elected Pope Martin V (1417–1431) returned to Rome.

Pope Martin carried out several reforms, and his two constitutions, *In apostolicae dignitatis* in 1418 and *Romani pontificis providentia* in 1423, played an important role in regulating the activities of the Rota.[6] The first half of the fifteenth century was the period of conciliarism, which aimed at reforming the Church and the papal administration and contributed to later attempts to reform the curia, including the Rota. For example, with *Romani pontificis* (1472)[7] Pope Sixtus IV (1471–1484) restricted the number of auditors to twelve,

4 Edited in M. Tangl (ed.), *Die päpstliche Kanzleiordnungen von 1200 bis 1500* (Innsbruck: 1894), 84–91.

5 Edited in Tangl (ed.), *Kanzleiordnungen*, 118–122.

6 Edited in Tangl (ed.), *Kanzleiordnungen*, 133–160.

7 Edited in L. Tomassetti et al. (eds.), *Bullarium Romanum: Bullarium diplomatum et privilegiorum sanctorum romanorum pontificum Taurinensis editio* 5 (Turin: 1860), 207–209.

and with *Sicut prudens pater* (1477)[8] he made new regulations concerning the employment and role of the Rota notaries.[9] The conciliar movement also aimed at reforming the papal system of justice, and an important goal was to reduce the length and costs of litigation processes before the papal tribunals. In this respect the constitution *Finem litibus* of Innocent VIII (1484–1492) from 1488 was very important.[10] After that there were no more late medieval attempts to regulate the functioning of the Rota, which at that time was at the apex of its importance.

## 4 The Officials of the Rota

Generally speaking, the tribunal received its authorities from the pope, who was regarded as the highest judge in the territory of the whole Western Christendom. As the busy pontiff was unable to take care of all litigations by himself, the handling of the cases was delegated to jurisprudent men called auditors (*auditores*). In each litigation, one of the auditors received a papal mandate to handle the case. The number of auditors varied considerably during the medieval period, depending on the number of cases brought before the papacy, but the number of auditors was established at twelve in 1472. The auditors had high standards: They had to be esteemed experts in canon and/or Roman law and proof their knowledge through a public lecture before they could be appointed. As the auditors had to represent different parts of the Latin Christendom, their appointment was not only in the hands of the pope but certain European kings, such as those of Spain, Germany, and France, as well as rulers of certain Italian cities, like Bologna, Milan, Ferrara, Venice, and Perugia, would participate in the appointing of auditors from their territories.[11]

It was the task of the auditors to study the lawsuits and to make a decision after the process had been investigated thoroughly and according to the regulations about litigations in the papal curia. The auditors did not take care of the everyday business of the tribunal such as copying and keeping track of the necessary legal documentation, keeping contact with the litigants' representatives, and supervising the progress of their cases. For these tasks each auditor had in their service four notaries who worked in shifts and who were

8 Edited in E. Cerchiari, *Capellani Papae et Apostolicae Sedis Auditores causarum sacri palatii apostolici seu Sacra Romana Rota ab origine ad diem usque 20 septembris 1870. Relatio historica-iuridica III: Documenta* (Rome: 1919), 191–195.

9 Ingesman, *Provisioner og processer*, 107–108; Killermann, *Die Rota Romana*, 97–98.

10 Edited in Tomassetti et al. (eds.), *Bullarium Romanum*, 339–341. Killermann, *Die Rota Romana*, 98–99, 104–106.

11 Killermann, *Die Rota Romana*, 77; Salonen, *Papal Justice*, 36.

responsible for those cases that were brought to the auditor during their shift. As the work of the Rota notaries was very delicate – if they made a mistake, it could in a worst case scenario render the whole litigation process void – there were high requirements for the candidates. The notaries had to be at least 25 years old, they had to have previous experience as notaries somewhere else, and they had to meet the curial standards of good reputation and behaviour. Also their competences were carefully investigated before they were employed. The notaries were first employed by the auditors they were working for but from 1477 onwards they became officials of the papal curia and their employment was no longer tied to a specific auditor.[12]

The clients of the Rota did not turn directly to the auditors or notaries but entrusted their issues in the hands of lawyers and proctors. These jurisprudent men were not employed by the tribunal but acted as freelancers and received their compensation from the litigants. They took care of the interests of their clients during the entire litigation process and ensured that all necessary documentation was handed over to the tribunal.[13]

## 5 The Litigation Process in the Rota

The Rota functioned according to the principles defined in the romano-canonical procedure, the governing principles of legal procedure based on Roman and canon law developed from the twelfth century onwards. The legal procedure in different kinds of litigation processes became minutely described in various manuals or guidebooks, such as *ordines iudiciarii* or *libelli de ordine iudiciorum*. In addition to these general legal works, there also existed special manuals for the use of the Rota only. These works describe how the different kinds of litigation processes were supposed to proceed within the tribunal and they contain valuable information about how the legal processes before the Rota were carried out in practice.[14]

Study of the Rota sources has demonstrated that the litigation processes carefully followed the different phases of litigation defined in the romano-canonical procedure.[15] According to the procedure, all legal proceedings before

12 Cerchiari, *Capellani Papae* III, 191–195; Salonen, *Papal Justice*, 37–38.

13 Ingesman, *Provisioner og processer*, 111–135; Killermann, *Die Rota Romana*, 59–60; Salonen, *Papal Justice*, 39–41.

14 About literature of this kind, see L. Fowler-Magerl, *Ordines iudiciarii and Libelli de ordine iudiciorum* (*From the Middle of the Twelfth to the End of the Fifteenth Century*) (Turnhout: 1994).

15 Cf. J.A. Brundage, *Medieval Canon Law* (London – New York: 1995), 120–153; Salonen, *Papal Justice*, 42–55.

the Rota began when the plaintiff presented a petition addressed to the pope asking the pontiff to allow his or her litigation to be handled by the Rota. If the pope agreed – as he typically did if the petition was written according to the right curial style – he signed the petition, and the document – which after the papal signature was called a commission – was carried to the auditor to whom the pontiff had decided to refer the case.

When the chosen auditor received the commission, the supervision of the case was entrusted to the one of his four notaries who happened to be in working shift, and the handling of the case could begin. The litigation process in the Rota began with the summoning of the parties to agree upon the terms of the litigation. When the parties had agreed upon all principal matters, the trial of the case began. During the whole process, which consisted of several different stages that varied slightly depending on the content of the litigation, the Rota carefully followed the processes defined in the romano-canonical procedure.[16]

Once the litigation had reached the point that the Rota auditor had studied all documentation presented to him and heard all witnesses, he could proceed to the last phase of the litigation: the pronunciation of the sentence, which had to take place in the presence of both litigants or their representatives. If neither of the litigants objected to the sentence, the case was closed – *sentencia transit in rem iudicatam* – and the litigants had to act according to the decision.

If the litigants were not content with the decision, there existed the possibility of appealing the sentence. The appeal had to be made to the pope in the form of a petition. If the pontiff considered the appeal to be justified, he referred the case to another Rota auditor, typically to one of the more experienced ones. The court procedure in the case of appeal followed more or less the same procedure as the first process, the only difference being that the time limits between various litigation phases were much shorter.

It was possible to appeal twice in a Rota litigation. When the tribunal had reached a third sentence in a case, that sentence was considered definitive, and there was no further possibility to make complaints and appeals – unless the litigants decided to open a new case, which happened occasionally. But usually the third sentence was definitive, since the Rota was the highest ecclesiastical tribunal and it was therefore not possible to appeal to any other ecclesiastical tribunal.

Pronouncing a definite sentence in a lawsuit was not that complicated but receiving a positive sentence from the Rota did not necessarily mean that the winning litigant would have obtained what he or she wanted. Executing the

16 For example, *Termini causarum in curia*, Bayerische Staatsbibliothek, Inc. s. a. 1751.

sentence locally could be difficult if the losing party was too powerful, and the Rota had very little means of guaranteeing the execution of its decisions except to excommunicate the disobedient party. The only possibility for the party who had won but could not get the sentence executed was to petition the pope for a papal letter stating that the other party would face serious sanctions if the sentence was not executed. Such a letter was the only recourse possible for a party that had won a case but found the opponent uncooperative in following the decision of the Rota.[17]

## 6 The Sources of the Rota

The source material regarding the activity of the late medieval Rota is mainly preserved in the collections of the Vatican Apostolic Archives but relevant sources can be found also in different local archives. The locally preserved material can vary a lot but the material in the Vatican Archives, which consists of various smaller collections, is relatively heterogeneous and easy to describe shortly. Like the other medieval papal documents, the Rota material is composed in Latin, handwritten, and heavily abbreviated.[18]

The largest archival series in the Rota archives is the *Manualia Actorum* covering the years 1464–1800. The *manualia* are registers of the Rota notaries, who have noted down in chronological order everything that happened in those processes that were entrusted to their responsibility. As each of the four notaries of the twelve auditors had their own series of *manualia*, there should in principle be 48 parallel series of registers – but the situation is unfortunately not that good. Like many other papal source series, the *manualia* have a relatively poor survival rate, and it has been estimated that only one *manualia* out of six or seven has survived to our day.[19] The *manualia* volumes are relatively thick paper manuscripts consisting of procedural entries in chronological order briefly noting what had happened in each day in various processes. The entries include surprisingly few details about the litigation itself; sometimes even the names of the litigants are not given. The *manualia* do not either contain copies of the documents related to the processes, such as the *articuli*, or charges. These documents were kept together in the *acta* of the process, which

17 About the different stages, see Salonen, *Papal Justice*, 42–55.

18 About the surviving source material of the Rota, H. Hoberg, *Inventario dell'Archivio della Sacra Romana Rota* (*sec. XIV–XIX*) (Vatican City: 1994).

19 Hilling, *Die römische Rota*, 17–18.

after the end of a process was sent to the litigants.[20] Instead, the *manualia* give evidence as to how and when the various processes were handled, which witnesses were interrogated or when a sentence was pronounced. They thus form a suitable source for studying the practical side of the activities of the Rota.[21]

The *Commissiones* collection contains original petitions to the pope to obtain a permit (*commisio*, "commission") to get the petitioner's legal issue handled by the Rota. These documents are interesting because they contain information about the initial steps of a litigation. They also identify to whom of the auditors the case was referred, who was the *cursor* who carried the commission to the chosen auditor, and the date when the litigation began. The *Commissiones* series contain documents from the years 1480–1792 but it is unfortunately not suitable for quantitative analysis because of the scarcity of documentation.[22]

The third collection in the Rota archives, the *Sententiae*, consists of documents containing the sentences pronounced by the Rota auditors. They are important because they reveal the outcome of the litigation but additionally they include information on the identity of the litigants and the main details concerning the litigation, information which is not necessarily included in the *manualia*. The *Sententiae* collection includes material from 1474 onwards, but the documentation from the fifteenth century is scarce.[23]

The *Decisiones* collection begins from the year 1511 and consists of manuscripts that contain the legal explanations for why the auditors decided in the litigations as they did. Despite the sparseness of the documentation, the collection is interesting for the study of legal history because the decisions of the Rota functioned as precedents for later decisions, also in other European tribunals.[24] The *Decisiones* collection in the Vatican archives is not the only one containing such material but some fourteenth-century decisions of the Rota have also survived. They circulated first as manuscripts and after the invention of the printing technique in the late fifteenth century, also in printed form.[25]

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20 The Rota archives do not normally include the *acta* of the processes, but these documents are typically found, if they have survived, in the collections of local archives and libraries.

21 AAV, *S. R. Rota*, *Manualia Actorum*. For the content and style of the entries in the Rota *manualia* see Dolezalek G., "Rechtsprechung der Sacra Romana Rota – unter besonderer Berücksichtigung der Rotamanualien des Basler Konzils", in M. Bertram (ed.), *Stagnation oder Fortbildung? Aspekte des allgemeinen Kirchenrechts im 14. und 15. Jahrhundert* (Tübingen: 2005), 133–157, at 150–157.

22 AAV, *S. R. Rota, Commissiones*.

23 AAV, *S. R. Rota, Sententiae*.

24 AAV, *S. R. Rota, Decisiones*.

25 *Decisiones Thomae Falstoli* (1336–1337), *Decisiones antiquores* (1360s), *Decisiones antiquae* (1372 onwards), *Decisiones Aegidii Bellemerae* (1374–1375), *Decisiones novae* (1376–1381). G. Dolezalek, "Die handschriftliche Verbreitung von Rechtsprechungssammlungen der

It is curious that the Rota archives have survived only from the second half of the fifteenth century onwards even though the tribunal is much older. Nobody knows what has happened to the earlier documentation but the most plausible explanation is that the papacy archived only documentation related to the central administration. Since the Rota material was not directly linked to the papal administration, the Rota material might not have been included in the papal collections and has thus disappeared over the centuries.[26]

## 7 Research upon the Rota

Despite the significant role of the Rota in the legal history, its archival material has been subject of relatively few studies until relatively recently. Nikolaus Hilling published a book about the Rota and the German diocese of Hildesheim in 1908,[27] Christina Bukowska-Gorgoni a study about the Polish Rota cases in 1995,[28] and Per Ingesman a book about the Rota and Denmark in 2003.[29] These scholars have all consulted the Rota material in the Vatican Apostolic Archives, but they have concentrated on the sources from a specific territory only (i.e., Hildesheim, Poland, and Denmark).

There is also another scholarly tradition concerning the history of the Rota, namely legal historians dealing with the tribunal but without consulting its medieval archives. To this group belong Franz Egon Schneider's[30] and Stefan Killermann's[31] monographs about the history of the Rota. There are also other important works concerning the history of the Rota worth mentioning. For example, Hermann Hoberg, archivist in the Vatican Archives who ordered the Rota archives, published several articles about different sides of the functioning of the tribunal.[32] Gero Dolezalek in his turn is specialist of the fourteenth-century *Decisiones* of the Rota.[33]

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Rota", *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung* 58 (1972), 1–106.

26 Salonen, *Papal Justice,* 5–7.

27 Hilling, *Die römische Rota*.

28 Bukowska-Gorgoni, *Causae Polonae*.

29 Ingesman, *Provisioner og processer*.

30 F.E. Schneider, *Die Römische Rota: Nach geltendem Recht auf geschichtlicher Grundlage, 1: Die Verfassung der Rota* (Paderborn: 1914).

31 Killermann, *Die Rota Romana*.

32 H. Hoberg, "Die Tätigkeit der Rota am Vorabend der Glaubensspaltung", in *Miscellanea in onore di Monsignor Martino Giusti Prefetto dell'Archivio Segreto Vaticano* 2 (Vatican City: 1978), 1–32; Hoberg, *Inventario*.

33 Dolezalek, "Questiones motae in Rota: Richterliche Beratungsnotizen aus dem 14. Jahrhundert", in S. Kuttner and K. Pennington (eds.), *Proceedings of the Fifth International*

Since the mentioned studies were limited either geographically, chronologically, or thematically, no general overview about the Rota existed before 2012 when I published my study about the late medieval Rota.[34] This study took a comparative look at the activity of the Rota from the 1460s until the 1520s, and the analysis included the whole territory of Western Christendom. My study was also based on a significantly larger corpus than the earlier studies, in total, the corpus consists of more than 46,000 register entries from 5,439 Rota processes.

## 8 The Litigation Handled by the Rota

The powers of the Rota allowed the tribunal to handle litigations regarding ecclesiastical matters or matters in which the Church or ecclesiastical persons were involved. From 1488 onwards, the tribunal received additional powers to handle certain types of civil litigations involving inhabitants of the Papal States. The survived normative sources regarding the Rota do not shed light upon the practical side of the activity of the tribunal, and it has been unclear what kinds of litigation were handled by the Rota and how many. As the consequence of the lack of Rota material from before the 1460s and the significant lacunae in the late fifteenth- and early sixteenth-century sources, it not possible to determine the number of processes the tribunal has handled but we can say for certain that it has dealt with hundreds of thousands of medieval litigations.[35]

The survived Rota sources, luckily, allow us to answer the question about what kinds of litigation the Rota handled. It has not been possible to analyse the huge amount of material in the Vatican Archives, but the present analysis is based on a sample material of 5,439 Rota processes from the 1460s to the 1520s.[36] For the analysis these processes were classified according to the infor-

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*Congress of Medieval Canon Law. Monumenta Iuris Canonici, Series C: Subsidia* 6 (Vatican City: 1980), 99–114; Dolezalek, "Rechtsprechung der Sacra Romana Rota".

34 K. Salonen K., *Kirkollisen oikeudenkäytön päälähteillä: Sacra Romana Rotan toiminta ja sen oikeudellinen tausta myöhäiskeskiajalla ja uuden ajan alun taitteessa* (Helsinki: 2012). A heavily revised English version of the study was published in 2016, Salonen, *Papal Justice*.

35 Hilling, *Die römische Rota*, 17–18; Salonen, *Papal Justice*, 5–7.

36 The analysis is based on a corpus of 5,439 Rota processes. Of these, 275 are from the sample year 1466; 171 from the year 1486; 1265 from the year 1506; and 1703 from the year 1526. A further 2,025 processes originate from the period of the auditor Johannes de Ceretanis. ASV, *S. R. Rota, Manualia Actorum* 1, 1A, 2, 3, 6, 9, 12–16, 24, 57–68, 139–150; BAV, Vat. lat. 11840.

mation in the process titles in the *manualia*, which contain the name of the diocese involved in litigation and a short summary of the content of the process, for example, *Ispalen. praepositura* (Sevilla, the position of praepositus) or *Monasterien. pecuniarum* (Münster, money dispute). The titles are informative enough to indicate the kind of process in question. The analysis of the litigation titles in the *manualia* showed that it is possible to classify the 5,439 cases into four main categories: marriage litigations, property issues, benefice issues, and miscellaneous cases.

The categorization is made according to the following principles: As "marriage litigations" are classified all processes related to the legal validity of a marriage. The "property litigations" category includes processes in which the subject of the litigation was property rights, debts, payments, or rights to certain income such as the tithes of a certain territory. The category "benefice litigation" includes disputes over who had the right to a certain ecclesiastical benefice or to income related to it. The miscellaneous group comprises a wide range of cases relating to ecclesiastical authority and jurisdiction, such as rights of patronage, presentation, or visitation, disputes about precedence (typically in ecclesiastical processions or festivities), burial rights, ecclesiastical penalties, and even secular disputes, mostly from the territory of the Papal States but also from elsewhere. In addition to the four main groups, the corpus includes a very small number of cases in which it is not possible to identify the type of litigation in question because of damaged volumes that impeded the reading of the titles. These cases are included in the category "?". In Table 12.1 is given the number and proportion of processes in each category.

TABLE 12.1 The number of different kinds of Rota litigations

| **Litigation type** | **Number of processes** | **%** |
|---|---|---|
| Marriage litigation | 42 | 1 % |
| Miscellaneous | 271 | 5 % |
| Property litigation | 757 | 14 % |
| Benefice litigation | 4353 | 80 % |
| ? | 16 | 0 % |
| Total | 5439 | 100 % |

SOURCE: AAV, *S. R. ROTA*, *MANUALIA ACTORUM* 1, 1A, 2, 3, 6, 9, 12–16, 24, 57–68, 139–150; BAV, VAT. LAT. 11840.

The numbers in Table 12.1 show that the majority of legal proceedings in the Rota (80 %) concerned benefice issues, while the number of property litigations, miscellaneous ones, and marriage litigations was much smaller. This result is not a surprise but well in line with the results of the earlier studies with smaller samples made by Hilling, Ingesman, Hoberg, and Dolezalek. They have all concluded that the Rota mainly dealt with litigations concerning ecclesiastical benefices but that it also handled processes concerning other kinds of legal issues such as marriages and property disputes.[37]

Based on the numbers in Table 12.1 it is thus possible to conclude that the Rota should not be characterized only as a tribunal resolving benefice litigations because as many as one fifth of the Rota litigations concerned other kinds of legal issues. Nevertheless, it is obvious that benefice litigations formed the great majority of processes handled by the Rota.

## 9 The Provenance of the Rota Processes

The powers of the Rota allowed the tribunal to handle appeal cases from all over the Western Christendom, while the tribunal could also function as tribunal of first instance for subjects of the Papal States or inhabitants of the diocese of Rome. The double function as well as the broad territorial coverage is reflected in the provenance of the Rota litigation. In Table 12.2 is presented the number and proportion of Rota processes originating from seven main territories of Christendom: British Isles, Eastern Europe, France, the Holy Roman Empire, Iberian Peninsula, Italy, and Northern Europe.[38]

The numbers in Table 12.2 show that the Rota processes originated from all parts of the Latin West, which testifies about the uncontested role of the Rota as the highest ecclesiastical tribunal all over the Western Christendom. The numbers show too that there were clear differences in the provenance of the Rota processes: The majority of them originated from the most densely populated areas in the centre of Christendom. Numerous litigations originated

37 Hilling, *Die römische Rota*; Ingesman, *Provisioner og processer*; Hoberg, "Die Tätigkeit der Rota"; Dolezalek, "Questiones motae in Rota".

38 The division of Christendom into seven main territories (*Großraum*) is made according to the division used by G.-R. Tewes, *Die römische Kurie und die europäische Länder am Vorabend der Reformation* (Tübingen: 2001), 13–17. The division is not unproblematic but functions in the lack of a better one. The sample of 5,439 litigations consists of all processes handled by the Rota during the four representative sample years (1466, 1486, 1506, and 1526) as well as processes handled by auditor Johannes de Ceretanis in 1471–1492.

TABLE 12.2 The provenance of the Rota litigations

| Territory | Cases | % |
|---|---|---|
| British Isles | 59 | 1 % |
| Eastern Europe | 105 | 2 % |
| France | 999 | 18 % |
| Germany | 1057 | 20 % |
| Spain and Portugal | 1534 | 28 % |
| Italy | 1677 | 31 % |
| Northern Europe | 4 | 0 % |
| Unknown | 4 | 0 % |
| Total | 5439 | 100 % |

SOURCE: AAV, *S. R. ROTA*, *MANUALIA ACTORUM* 1, 1A, 2, 3, 6, 9, 12–16, 24, 57–68, 139–150; BAV, VAT. LAT. 11840.

from Italy, followed by processes from the Iberian Peninsula. Slightly fewer but still numerous processes originated from the territories of the Holy Roman Empire (in Table 12.2: Germany) and of France. At the same time the numbers show that the Rota handled only a small number of processes from Eastern Europe, the British Isles, and especially Scandinavia.

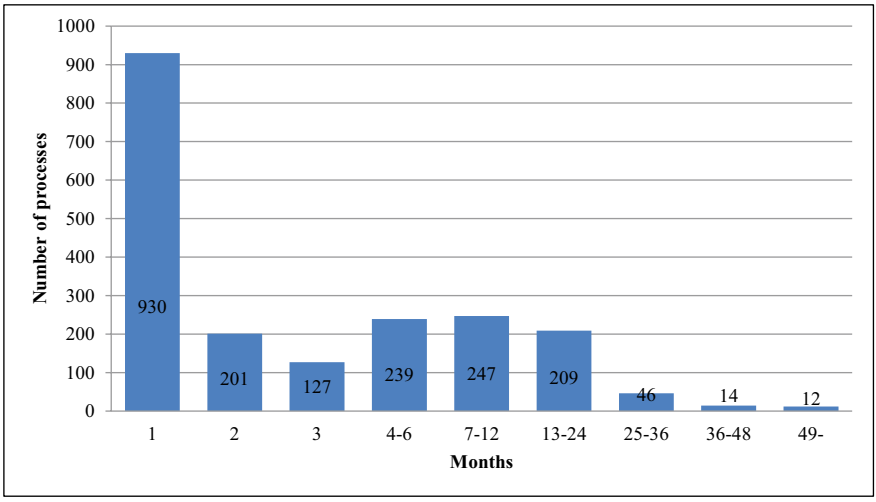
The numbers in Table 12.2 show only the overall division of the provenance of the cases from a long time frame, but a closer analysis of the cases revealed variation in the provenance of the different types of Rota litigation at different times. For example, the proportion of Italian Rota litigation in the sixteenth century was larger than in the fifteenth-century material. The increasing trend in the number of Italian Rota litigation can be connected to the promulgation of the constitution *Finem litibus* in 1488, which allowed the tribunal to handle civil cases from the territory of the Papal States. Similarly, some variation could be seen in the provenance of processes in different litigation categories too. For example, Italian processes dominated the category of marriage litigation, and proportionally few benefice cases originated from France.[39]

39 There is no space to go into details here. More about the geographical provenance of Rota cases in Salonen, *Papal Justice*, 125–154.

## 10 The Length of the Rota Processes

Earlier scholars have unanimously concluded – based on numerous normative sources that aimed at limiting the length of processes at the papal curia – that the processes before the Rota were typically very long. According to the examples presented by Hilling and Ingesman, for example, the processes before the Rota could take several years, sometimes even over a decade. Based on this, the Rota has received a reputation of an ineffective tribunal which did not really succeed in its role in dispensing justice.[40]

However, the duration of the Rota processes has not been thoroughly studied before my investigation. In my study, I analysed the length of 2,025 Rota processes handled by auditor Johannes de Ceretanis. One way to analyse the length of a litigation process is to see how long time elapsed between the beginning of the case, that is the presenting of the commission to the auditor, and the closing of the case. In order to analyse the length of the processes handled by Johannes de Ceretanis, the timeframe between the first and the last entry in the *manualia* in each process was determined, which gave the length of the processes in months. The result of this analysis is presented in Graph 12.1.




GRAPH 12.1 Length of Rota processes
SOURCE: AAV, *S. R. ROTA*, *MANUALIA ACTORUM* 6, 9, 12, 13, 16, 24

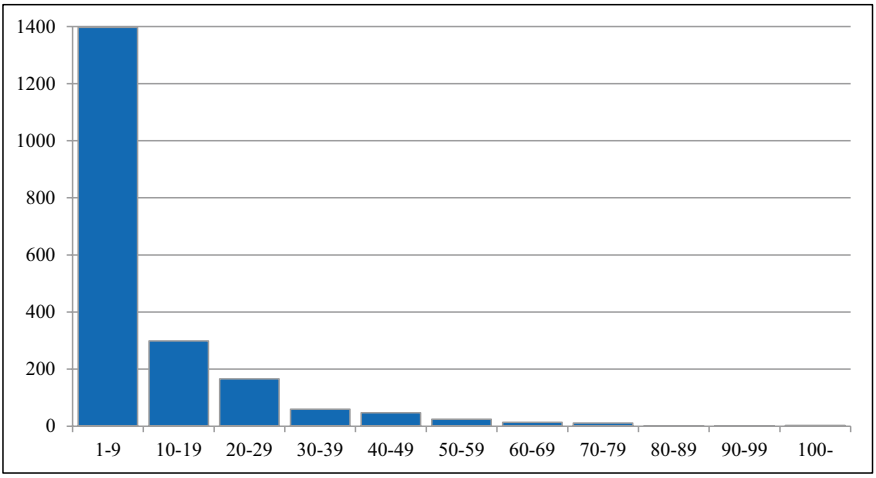
40 Hilling, *Die römische Rota*, 55–56, 68–127; Ingesman, *Provisioner og processer*, 429–430.

As Graph 12.1 shows, there was quite a significant variation in the length of the processes handled by Johannes de Ceretanis. Almost half of the 2,025 processes (930 processes, 46 %) lasted for only one calendar month but the material included also twelve processes that lasted for over four years. Thus the number of long processes was, surprisingly, very limited, while processes of short duration constituted the great majority of the Rota processes. In the sample material a total of 74 per cent of all processes lasted less than half a year, while only nine per cent lasted for more than a year. Thus the result of this analysis contradicted the earlier picture of the Rota as a tribunal where litigations lasted for eternity. But how should this result be interpreted? Did the Rota resolve the legal disputes at a quick pace?

Since such a result would be a great surprise, it was necessary to verify the finding by looking the material from another perspective, that of the volume of the litigation. Such analysis tells more about the dynamics of the Rota processes, as the Rota was bound to follow the romano-canonical procedure in different types of court cases. These regulations established clearly what kinds of stages – and how many of them – there had to be in different types of litigation processes before the case could be closed with a sentence. According to the regulations, processes that followed the shortest possible handling procedure, the so-called summary processes, required a minimum of ten litigation phases between the first step (presentation of the commission) and the last step that was the pronouncing of the sentence. Since each handling before the Rota resulted with a separate entry in the *manualia*, there should be at least ten entries in the Rota *manualia* per process before there was a chance that the Rota might have closed a case. In order to investigate the volume of the cases, I studied how many times the 2,025 processes in the sample material were bought before the Rota between the first and the last record of a case in the *manualia*. The result is shown in Graph 12.2.[41]

Graph 12.2 shows that in around 1400 of the cases (69 %) there were less than ten entries, which means that these processes have remained so short that they cannot possibly have reached an end – even if the tribunal had followed the procedure of summary process. This corresponds well with the amount of short cases in Graph 12.1 and thus allows to conclude that the earlier result about short processes did not mean that the Rota was effective in dealing with the processes. Instead, the result must mean that most of the processes initiated in the Rota were never brought until the end.

41 About the method, see Salonen, *Papal Justice*, 161–162.




GRAPH 12.2 Volume of Rota processes
SOURCE: AAV, *S. R. ROTA*, *MANUALIA ACTORUM* 6, 9, 12, 13, 16, 24

This result shows that it is necessary to reconsider the earlier picture of the Rota as a tribunal where the handling of cases typically lasted for years. The material used in my study shows that the Rota was not an ineffective tribunal where people had to fight for years without hope of arriving to a conclusion. Instead, the analysis points in the direction that the Rota was a tribunal, where numerous litigants started a process – but the processes were very rarely brought until end.

But what does this new picture of the Rota mean? I have presented a hypothesis that the new picture was result of the fact that persons who had money and perhaps connections in the curia simply used the Rota for scaring away their adversaries by simply initiating a process there. Thus the processes they began were perhaps never meant to be brought until the end. Also, many litigants tried to delay the processes by asking for the transfer of their case from the authority of one auditor to another.[42]

This hypothesis fits well to the results of the earlier Rota scholars who have noticed that many litigants before the Rota were curialists or people who had good contacts in the curia. Hilling, for example, concluded that a curialist was involved in 37 processes out of the 101 processes from the diocese of Hildesheim. Ingesman, in his turn, found out that in the 125 Danish Rota processes, a curialist was involved for certain at least in 62 processes, possibly even

42 Salonen, *Papal Justice*, 67.

in more. Additionally, both scholars have noted that a great number of curialists, of whom many were officials of the Rota, were involved in Rota processes.[43] And their findings fit very well to mine: People with good connections might have begun Rota processes without the intention to bring them to the end, thus we could talk about "unreal" processes.[44]

## 11 The Significance of the Rota

Although there is still a lot of work to be done before it is possible to reliably re-evaluate the history, activity, and significance of the Sacra Romana Rota, it has been possible to reach some general conclusions about the significance of the Rota in the later part of the Middle Ages. My research has confirmed some of the earlier results regarding the activity of the Rota, in particular that the Rota was mainly a tribunal which solved benefice litigations but that the tribunal also dealt with many other kinds of juridical problems.

The comparative analysis of the Rota material showed that the tribunal stood in the service of Christians from all over the Latin West, although the majority of its clients originated from the densely populated territories relatively close to the papal curia in Rome: Italy, Iberian Peninsula, France, and the Holy Roman Empire. Compared to the clients of the other papal offices, this result was not a surprise.

The most interesting findings of my study regarded the length of the Rota processes. The Rota has generally been defined as ineffective and slow, and earlier studies have concluded that processes before the Rota lasted excessively long. My analysis instead demonstrated that only a very small amount of the Rota processes lasted for a long time and that this depended on the fact that the majority of Rota processes were never concluded, perhaps because the litigants (often curialists or people with good connections) did not use the Rota for resolving their juridical issues but because they rather initiated a process for intimidating their adversaries. This allows me to conclude that the Rota did not fully succeed in its role as the "tribunal of the tribunals" in dispensing justice in the name of the pope.

43 Hilling, *Die römische Rota*, 45–46; Ingesman, *Provisioner og processer*, 419–426.
44 Salonen, *Papal Justice*, 169–176.

# PART 4

## *The Curia in the Early Modern World*

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CHAPTER 13

# Locating the Renaissance Curia, *c.*1420–*c.*1530

*Miles Pattenden*

Most of us, when we consider the Papal Curia, think instinctively of Rome. Black-cassocked clerics scurrying through city streets; scribes and abbreviators scribbling away behind closed doors; red-robed cardinals processing in pomp from palazzo to palazzo. The Curia has come to be such a crucial component in Rome' identity that its presence has seemed at various points as if a defining feature that distinguishes the eternal city from mere imitators.[1] And yet Rome's intimate association with the Curia was no sure thing in the fifteenth century. Indeed, when Martin V returned to Rome in 1420, following his election at the Council of Constance (1414–18), *urbs* and *curia papae* had a relationship marked chiefly by a century of absence and neglect. Clement V's fateful decision to live in Avignon in 1309 caused the Curia to flourish but Rome to atrophy. Urban V returned to the city in 1367, as did Gregory XI in 1377, but neither papal presence stuck fully. Rome's fabric in 1420, after another forty years of papal schism, had devolved into a precarious state, "so ravaged and devasted that it scarcely looked like a city at all" in Platina's later assessment.[2] The Tiber had recently flooded much of the medieval settlement's heart in the ancient Campus Martius.[3] The Borgo, the area around the Vatican, was derelict.[4]

1 On this point, see M. Pattenden, "The Roman Curia", in P.M. Jones, B. Wisch, and S. Ditchfield (eds.), *A Companion to Early Modern Rome, 1492–1692* (Leiden: 2019), 44–59.

2 "Urbem Romam adeo diruptam et vastam invenit, ut nulla civitatis facies in ea videretur", Platina, *Platynae Historici. Liber de vita Christi ac omnium pontificum*, ed. G. Gaida (Città di Castello: 1913–32), 310. See also the general remarks in L. Pastor, *The History of the Popes from the Close of the Middle Ages: Drawn from the Secret Archives of the Vatican and Other Original Sources*, trans. R.F. Kerr, 40 vols. (London: 1891–1953), 1:214–15.

3 "Urbem inundavis templum Panteon aqua repletum est usque ad altare majus; dumque aqua ad staturam fere duorum hominum excrevisset, navigareturque per vicos, quos aqua Tiberis repleverat", *Vitae Martin V*, in L. Muratori (ed.), *Rerum Italicarum scriptores praecipua ab anno aerae Christianae D. ad MD. quorum potissima pars nun primum in lucem prodit ex codicibus*, 28 vols. (Milan: 1723–51), 3, part 2: 865.

4 "Item siatis quod tunc tempore basilica Sancti Petri in divinis male era servita … Item siatis quod ecclesia Sancti Spiritus totaliter non officiabatur … et ospitale dicte ecclesie erat totalter depauperatum … item siatis quod tunc tempore portica Sancti Petri era totaliter derelicta et nullus habitabat in dicta porticha Sancti Petri", Antonio di Pietro dello Schiavo, *Il Diario romano dal 19 Ottobre 1404 al 25 Settembre 1417*, ed. Francesco Isoldi (Città di Castello: 1917), 89.

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Re-locating the Curia in Rome, where its presence could serve as a foundation for restoring the city to its former glory, was Martin V's great challenge – and perhaps a prime reason for his 1417 election. As Oddone Colonna, scion of one of the city's two great baronial clans, this "native son" must have seemed best placed amongst the cardinals of all three papal obediences at the end of the Schism to make a restoration stick. But Martin could hardly relocate the Curia alone, nor could he or others ground its operations with an air of permanence merely within the timespan of his fourteen-year pontificate. The Curia's re-establishment in Rome was arguably the most significant development in the papacy's fifteenth- and early sixteenth-century history: it was a project that lasted for decades and one that reshaped the papacy itself in myriad ways.

The Renaissance papacy's early students – those Teutonic titans Ranke, Gregorovius, and Pastor – did not dwell much on the curiosities, or the exigency, of the Curia's Roman re-location.[5] In large measure, this reflected their idiosyncratic ideals for what the Catholic Church is, and of what it was: an eternal construction whose *Romanitas* was as intrinsic as it is inexorable. Avignon was a sojourn; Rome *is* home. Only from the mid-twentieth century, therefore, have a range of scholars even begun to interrogate just *how* Martin and his successors worked so hard to reintegrate the Curia's into Rome's idiosyncratic and unusually complex political and economic life. Perhaps surprisingly, an Englishman, Peter Partner (1924–2015), was at the vanguard of these scholars. Partner's *The Papal State Under Martin V* (1958), a revised Oxford doctoral thesis, emphasized both the papacy's growing interactivity with Italy's secular elites during this period and also the role of local alliances in how popes consolidated their position.[6] The Italian Paolo Prodi (1932–2016), who was scarcely less important than Partner in shaping the historiographical narrative, simultaneously reframed the debate about how popes re-established their Romanness in a different way. His *Sovrano pontefice* [Papal Prince] (1982) outlined the Curia's evolution into a fixed-location bureaucracy in Rome over this period, a process which he saw as paralleling similar, albeit slightly later, developments across Europe's secular monarchies. Prodi famously described how the Church was "Italianized" even as the state was "clericalized" – two processes which he saw as essentially colonial in nature and also even as a Faustian pact. The cost to popes of grounding their rule through local politics

5 L. von Ranke, *The History of the Popes, their Church and State*, trans. E. Fowler, 3 vols. (New York: 1901); F. Gregorovius, *History of the City of Rome in the Middle Ages*, trans. A. Hamilton, 8 vols. (London: 1894–1902); Pastor, *History of the Popes*.

6 P. Partner, *The Papal State under Martin V: The Administration and Government of the Temporal Power in the Early Fifteenth Century* (London: 1958).

was that they gravely compromised ability to discharge their rather more important universal mission.[7]

Scholars since Prodi have developed his paradigm, and Partner's, in a variety of ways – though without overturning any of their general precepts.[8] A.D. Wright, for instance, challenged Prodi's pessimism about the effectiveness of papal interventions in the Catholic world for the post-Trent period.[9] Elizabeth McCahill, Carol Richardson, and Jennifer DeSilva have all studied the importance of cultural initiatives (including ceremonial activity and architectural commissions) in securing papal rule during the fifteenth century beyond what mere politics means could accomplish.[10] Margaret Meserve has recently further analyzed the role of propaganda ("papal bull") in such efforts.[11] Some of the most interesting scholarship has, in fact, continued to emphasize the ephemeral nature of papal control in the city and over its *contado* until quite late on. Emily O'Brien and Anthony d'Elia, for instance, stress, albeit in rather divergent ways, ongoing papal precariousness and the ways in which the papal position needed to be negotiated constantly vis-à-vis both subjects and allies.[12] Fabrizio Nevola has shown the difficulty with which Pius II managed to extract himself from Rome for a trip to Siena.[13] Marco Pellegrini has argued that papal control over the College of Cardinals itself did not really begin to consolidate

7 P. Prodi, *Il sovrano pontefice, un corpo due anime: La monarchia papale nella prima età moderna* (Bologna: 1982). Translated into English as *The Papal Prince, One Body and Two Souls: The Papal Monarchy in Early Modern Europe* (Cambridge: 1987). Id., "Il 'sovrano pontefice'", in G. Chittolini and G. Miccoli (eds.), *Storia d'Italia. Annali IX La Chiesa e il potere politico dal Medioevo all'età contemporanea* (Turin: 1986), 195–216.

8 For a more recent general account, see M. Pellegrini, *Il papato nel Rinascimento* (Bologna: 2010).

9 A.D. Wright, *The Early Modern Papacy: From the Council of Trent to the French Revolution, 1564–1789* (London: 2000).

10 E. McCahill, *Reviving the Eternal City: Rome and the Papal Court, 1420–1447* (Cambridge, MA: 2013); C. Richardson, *Reclaiming Rome: Cardinals in the Fifteenth Century* (Leiden: 2009); J. DeSilva, *The Office of Ceremonies and Advancement in Curial Rome, 1466–1528* (Leiden: 2022).

11 M. Meserve, *Papal Bull: Print, Politics, and Propaganda in Papal Rome* (Baltimore: 2021). Eadem, "The Papacy, Power and Print: The Publication of Papal Decrees in the First Fifty Years of Printing," in H. Helmers, N. Lamal, and J. Cumby (eds.), *Print and Power in Early Modern Europe, 1500–1800* (Leiden: 2021), 259–99.

12 E. O'Brien, *The "Commentaries" of Pope Pius II (1458–1464) and the Crisis of the Fifteenth-Century Papacy* (Toronto: 2015); A, d'Elia, *A Sudden Terror: The Plot to Murder the Pope in Renaissance Rome* (Cambridge, MA: 2009).

13 F. Nevola, "Ritual Geography: Housing the Papal Court of Pius II Piccolomini in Siena (1459–60)," *Renaissance Studies* 20 (2006), 201–24.

until the pontificate of Alexander VI at the earliest.[14] On the other hand, various scholars, including the present author, have located Sixtus IV's expansion of venal offices as a key moment which laid the ground for a financial co-dependency between the papacy and central Italian elites which came to provide the eventual bedrock of popes' *ancien régime* rule. Renewed interest in Sixtus, in particular, may push this paradigm further in due course – especially as current attention focuses on his role as artistic patron and promoter of courtly and liturgical initiatives around the Sistine Chapel and associated buildings.

This chapter cannot on its own propose a new and detailed interpretation of the dynamics or chronology of curial Renaissance renewal. It is primarily a literature review that introduces and interprets the historiography set out above, reflecting on its most relevant questions and debates. However, it does aspire to some original observations, this notwithstanding. The most salient of these observations, perhaps, is that the Curia's relocation to Rome after 1420 left it for many years in a somewhat Schrödingerian situation: it may have been both more *and* less secure in its new residency and forms of operation there than it has often seemed. The time by which we, as historians, might say, with hindsight, that papal hegemony over other institutions in Rome guaranteed the Curia to be central to Rome's political and economic life was far earlier than many who participated in any of those institutions could themselves have anticipated. On the other hand, papal advances, and the creep of curial administration, were typically cautious, irregular, negotiated, reversible, and asymmetric. Few popes had the political capital or financial resources to railroad through their plans for reforms – and those who did, like Sixtus IV, still had only limited facility for ensuring that their plans or vision were neither eroded nor adapted after their death (or even during the "winter" of their pontificate, when their vital powers were viewed to be on the wane). The Curia which emerged by the mid-sixteenth century was a product of myriad individual interventions, some bold, some timid, many reactionary, most contradictory. Defining features of early sixteenth-century curial practice, which so aroused the ire of "reformers", were also not necessarily planned nefarities but

14 M. Pellegrini, "A Turning-Point in the History of the Factional System in the Sacred College: The Power of the Pope and Cardinals in the Age of Alexander VI," in G. Signorotto and M.A. Visceglia (eds.), *Court and Politics in Papal Rome, 1492–1700* (Cambridge: 2002), 8–30; Idem, "Das Kardinalkolleg von Sixtus IV. bis Alexander VI. (1471–1503)", in J. Dendorfer and R. Lützelschwab (eds.), *Geschichte des Kardinalats im Mittelalter* (Stuttgart: 2011), 399–446; Idem, "Il Sacro Collegio Cardinalizio tra Rinascimento e Controriforma: Orientamenti tematici e Bibliografici", in J. Dendorfer, R. Lützelschwab, and J. Nowak (eds.), *Die Kardinäle des Mittelalters und der Frühen Renaissance* (Florence: 2013), 321–56.

rather unintended outcomes of a system which incentivized not clear rules or resolutions but rather fixes, circumlocutions, and creative ambiguity. The system itself did not change much during the sixteenth century – even as a result of Trent – although the specific fixes and ambiguities could evolve rapidly (as they did in the two or three generations that followed Paul III's commission *De Ecclesia emendanda*). The complexity of curial governance was the constant in this era around which the pope's rule was built – which stabilized it, strengthened it, and made it more resilient. But describing it still presents an intractable problem for historians: there were simply too many moving parts.

## 1 Historicizing the Renaissance Curia

A starting point: when writing about the Roman Curia in this or any other period, the first problem is always establishing what we mean by the term. Historians may well feel ourselves to have a good intuitive sense of its definition but in fact we regularly understand (and have understood) it in a variety of intersecting but distinct ways: as an aggregate of component units, a sum of distinctive practices, a collection of persons and offices, and even as assemblage of discrete physical spaces. The component units, which constitute perhaps the most obvious way of thinking about the Curia, were its legal structures with their own recognizable roles, rules, and jurisdictions. They were typically – but not always – inherited and adapted from earlier generations. This period offered no exception. On the other hand, such formal units of organization could only ever have been one element within the Curia's physical and metaphysical existence: the practices through which those formal units enacted their business – legal processes, financial processes, liturgical processes, etc. – brought it into being just as readily. And the fifteenth century was a period of great expansion in the impact and importance of such processes. Not only do far more documents survive for most curial units for the period after 1420 than for the previous two centuries but absolute quantity of business also seems to have grown, which has implications for an interpretation of how the Curia integrated into Rome's wider urban ecology. Interpretations of the Curia's relationship to Rome, in addition, need to account for the concomitant increases in this period in the numbers of officials connected to the Curia, and in the range of curial offices they held. Officials and their offices matter because they have proved, in some ways, a rather more accessible entry point into thinking about the Curia in this and other periods, for it is far easier for historians to study individuals than institutions, building narratives around the traces their lives left behind across archives. The same is true of our fourth mode of

understanding the Curia, its spaces. These have also offered an easy point of entry for examining changes in curial structures because they can be visualized or even visited – and many parts of the Curia's extant physical footprint were new additions in the time considered here.

The immediate aftermath of Martin V's election in 1417 and his return to Rome in 1420 saw important developments in both the Curia's institutional arrangements and its personnel. A major factor behind these developments was the urgency with which Martin was confronted when he had to decant the three schismatic Curiae of the Roman, Avignonese, and Pisan obediences into just one. Martin accomplished this primarily through reduplication rather than demotion: officials were retained in post even when that meant a growth in the numbers of individuals tasked with a particular competency. Thus, the three extant Apostolic Treasurers all retained office, although only Antonio Casini (the Pisan Treasurer) exercised the functions of office.[15] Similarly, the College of Cardinals breached its supposed "maximum" size of twenty-four almost immediately, after Martin recognized the followers of all three of his predecessors. The maximum size was exceeded again in 1426 after Martin promoted twelve further cardinals – an act which he seems to have seen as necessary both to advance familial and papal interests in Rome and also to placate Christian kings who had demanded greater representation within the College via their representatives at the Council of Constance (1414–18).[16] Martin's reign nevertheless saw other important developments, many of which Partner discussed in his seminal work *The Papal State*. Martin grounded papal rule over central Italy in a system of apostolic vicariates – grants of title from the pope to local elites which regularized their rule as *signori* and which had been employed before during the Avignon period, albeit on a rather smaller scale.[17] The creation of the vicariates was propitious, for it took advantage of declining imperial interest and influence in Italy to supplant an alternative system of imperial vicariates. However, it required a commensurate growth in administrative capacity within the Apostolic Chamber, both to deal the associated paperwork and to process growing revenues. Martin also undertook

15 Partner, *The Papal State under Martin V*, 137.

16 J. Broderick, "The Sacred College of Cardinals: Size and Geographical Composition (1099–1986)", *Archivum Historiae Pontificiae* 25 (1987), 7–71, at 14.

17 G. de Vergottini, "Note per la storia del vicariato apostolico durante il secolo XIV,", in *Studi storia e diritto in onore di Carlo Calisse*, 3 vols. (Milan: 1940), 3:341–65; Prodi, *The Papal Prince*, 124–25. Many of these apostolic vicars had *de facto* but not *de iure* supplanted republican institutions and thus their rule existed in a sort of legal limbo – hence the appeal of papal recognition. See P. Jones, *The Italian City-State: From Commune to Signoria* (Oxford: 1997), 637; Partner, *The Papal State under Martin V*, 159–192.

some of the first work to restore the fabric of Rome as a city. Even when still in Florence, in April 1420, he established a commission for the restoration of urban churches and in 1425 re-established the older system of *maestri delle strade* – magistrates with direct responsibility for maintaining infrastructure and services.[18]

Eugene IV and Nicholas V by and large maintained and extended Martin's policies – that is to say, they continued to base their approach in the need to keep factions and interests on board but also to balance them.[19] In Eugene's case, this was no easy task, for Martin's Colonna relatives were well-resourced and had become powerful during his pontificate. Eugene's struggle with them in 1431 led to his flight to Florence in 1434, disguised as a Benedictine monk.[20] The broader picture, however, was that both the Roman nobility (including the Colonna), and many others invested in the papacy, had too much to lose from letting papal rule collapse again, so settlements were quickly reached thereafter.[21] Eugene also then almost certainly benefitted from the overreach of his opponents at the Council of Ferrara-Florence once they had translated it to Basle in 1439.[22] The Council's subsequent decisions to suspend, and then depose, him after he had dissolved it again proved politically unsustainable in an environment where key players feared the breakdown of institutional structures and legitimacies more than they disliked the particular course set by an individual pope. Eugene exploited this situation both to expand the numbers of cardinals and to take more direct charge of the appointment of particular officials such as the Auditor of the Chamber (previously appointed by the Chamberlain).[23]

By such moves the pope was able to concentrate patronage in his person and to facilitate further developments – paralleled in other European monarchies, as Prodi pointed out – such as the bypassing of older institutional structures in favor of less formal ones associated with the pope's own household. Nicholas V

18 Richardson, *Reclaiming Rome*, 151; O. Verdi, *Maestri di edicifi e di strade a Roma nel secolo XV: Fonti e problemi* (Rome: 1997).

19 Eugene's best-known contribution was to award the proceeds of a tax on foreign wine (the *gabella vini forensis*) to the university, which formed the basis of its funding, D.S. Chambers, "Studium Urbis and Gabella Studii: The University of Rome in the Fifteenth Century," in C. Clough (ed.), *Cultural Aspects of the Italian Renaissance: Essays in Honor of Paul Oskar Kristeller* (Manchester: 1976), 68–110.

20 Pastor, *History of the Popes*, 1:294–95.

21 Ibid., 1:297–98.

22 J. Thomson, *Popes and Princes, 1417–1517: Politics and Polity in the Late Medieval Church* (London: 1980), 6–7.

23 Partner, *The Papal State under Martin V*, 148.

continued Eugene's work in most of these respects but was also more invested than him in pursuit of a cultural agenda. Indeed, his role in establishing the Vatican Library, now an important unit within the Curia with its own Cardinal Prefect, is well-known. Yet Nicholas was also an active builder at sites across Rome, including at the Vatican and on the Capitoline.[24] The former of these sites was important because it was to become the pope's primary site of residence until the end of the sixteenth century. The latter was, and remained, a space contested between pope and Roman commune – it had been the site of revolutionary republican insurrection in 1431 and was again in 1452, during Nicholas's pontificate.[25]

Pius II's pontificate – like that of his immediate successor, Paul II, with which it is often bracketed – forms an historiographical anomaly within the study of the fifteenth-century papacy and Curia. The reason is, to some extent, self-evident: Enea Silvio Piccolomini's own "outsized personality" has led historians to study him as a figure of significance independent of papal history's wider arcs (although, thanks to works such as d'Elia's *Plot to Murder the Pope*, and also because of his Venetian status, this is also somewhat true of Paul II).[26] And yet the central thesis of Emily O'Brien's *Crisis of the Fifteenth-Century Papacy*, the most important of recent works on Piccolomini, is that Pius's reign was historically significant as a pivot point in wider trajectories, or at least as their fulcrum. The election of this humanist, ex-Conciliarist, outsider, who yearned to restore papal prestige through crusading glory, brought to a head questions of what the papacy was for, and to whom it should be answerable, in a way that the election of, say, his aged, Spanish predecessor Calixtus III, just had not. Yet Pius' reign was actually one of considerable continuities in terms of the Curia's history and institutional structures, in spite of this. The humanist pope recognized the factors and special interests which had driven the direction of travel since 1420 and largely used the same means as his immediate

24 C.W. Westfall, *In this Most Perfect Paradise: Alberti, Nicholas V, and the Invention of Conscious Urban Planning in Rome, 1447–1455* (University Park, PA: 1974). M. Tafuri, "'Cives esse non licere': The Rome of Nicholas V and Leon Battista Alberti; Elements toward a Historical Revision," *Harvard Architecture Review* 6 (1987), 60–75. C. Burroughs, *From Signs to Designs: Environmental Process and Reform in Early Renaissance Rome* (Cambridge, MA: 1990).

25 On the Capitoline Magistrates and their relationship with the papacy, see W. Canepari and L. Nussdorfer, "A Civic Identity," in P.M. Jones, B. Wisch, and S. Ditchfield (eds.), *A Companion to Early Modern Rome, 1492–1692* (Leiden: 2019), 29–43.

26 O'Brien, *The Commentaries of Pope Pius II*. By contrast, the argument is that Paul II lacked any personal predilection for humanism, and this shaped the somewhat "imperial" designs associated with his pontificate, A. Modigliani, *Disegni sulla città nel primo Rinascimento Romano: Paolo II* (Rome: 2009).

predecessors to try to master or circumvent them. His efforts to improve curial spaces, in particular his building projects in the basilica of St Peter's, also notably extended rather than reversed Nicholas V's efforts. Even policies which could be cited as forward-looking and innovative, such as the sale of office to fund crusading initiatives, although they certainly anticipated still greater developments under Sixtus IV, were nevertheless with precedents in previous papal practice during the schismatic years.

Pius, through his actions, echoed something made plain during the turbulence of Eugene IV's early years: the papacy could no longer leave Rome without considerable difficulty. Violence erupted not long after his election when it became clear that he intended to leave the city for Siena.[27] Fabrizio Nevola studied the somewhat tortured eventualities brought about by his eventual arrival there, including an unseemly and impractical jostling among the cardinals to re-position themselves within the College's internal hierarchy in this new setting.[28] The base problem at this time was simply that the Curia's bureaucratic structures were not sufficiently large or advanced at this time to hold Rome for long in the pope's absence. When he exited the city, taking the bulk of his followers with him, it left a vacuum which abhorred from not being filled.

What then of Sixtus IV, the wily Franciscan who, alongside Pius, has some claim to have been the most influential fifteenth-century pope in historiographical terms? Unlike Pius, whose place in the literature is grounded in his supposed personal brilliance, Sixtus has gained historiographical renown from his role in artistic patronage but also curial reform. Prodi fingered him as the key figure who catalyzed the papacy's eventual transformation from personal to bureaucratic monarchy over the course of the sixteenth century – via his financial chicanery as much as his administrative efforts. Such a reputation, in fact, also precedes even an assessment of Sixtus's patronal contributions to the development of curial spaces via the commissioning of the Sistine Chapel (built 1471–84), etc. The key development under him was the massive expansion of venal office with the aim to raise revenue not for crusade, as has been the case under Pius II, but for what amounted to everyday expenditure. Prodi and, in a more specialist article, Felice Litva, explained the significance of this: sale of office allowed the pope to raise capital quickly and comparatively cheaply, but it also gave those with resources a chance to invest in papal

27 J. Rollo-Koster J., *Raiding Saint Peter: Empty Sees, Violence, and the Initiation of the Great Western Schism (1378)* (Leiden: 2008), 19–20. Pastor, *History of the Popes*, 3:29–30.

28 Nevola, "Housing the Papal Court," 205.

authority in a direct financial way.[29] In the comparatively peaceful Italy which had stabilized after the Peace of Lodi (1454) there seems to have been considerable appetite to invest in this way. Indeed, as elsewhere in Europe, a growing number of urban elites (but also some rural gentry) looked to central government as a resource for advancing social and financial position.

Sixtus had the genius to take advantage of this appetite for government debt – and the terms of venality in Rome seem to have favored the purchaser of office, quite heavily: he was much better able to calculate the value of his investment than the pope was, because it was hard for the pope to keep track of what had been awarded to whom. Moreover, many offices were sold in ways which made them inheritable, meaning the long-term liability to the papal treasury was not always calculable. But the growth of these initiatives also spurred on an expansion not only of the number of officials via the instigation of new offices created especially to be sold but also via a more general expansion of bureaucratic offices tasked with overseeing associated processes. The Datary proved to be the most important of these offices – and Dataries gradually supplanted Apostolic Treasurers as the key figures involved in the management of the papal finances. At the same time Sixtus was able to use the new resources which sale of office released to expand or reform papal activity elsewhere. It is probably not a coincidence that other key developments in the evolution of competences among papal officials (such as the Governor of Rome and the auditors of the Rota) date to his time.[30]

The popes who followed Sixtus all also built substantially on his legacy, as much as they did on that of any previous pontiff – growing, in particular, the number of venal offices within the Curia and using the resources from sale to grow the quantity of non-venal ones too. Marco Pellegrini has talked of Alexander VI's pontificate as a "turning point" in the history of the College of Cardinals, not least because this was the moment when the number of cardinals swelled substantially; it was also the time when the College's Italianization accelerated, as did its de facto subordination to the personal rule of the pontiff.[31] Several processes seem to have intersected here to produce this result. The first was popes' growing need to use the College as a vehicle for familial advancement

29 Prodi, *The Papal Prince*, 96–101. F. Litva, "L'attività finanziaria della Dataria durante il periodo Tridentino," *Archivum Historiae Pontificiae* 5 (1967), 79–174.

30 N. del Re, *Monsignor Governatore di Roma* (Rome: 1972). M. Pattenden, "Governor and Government in Sixteenth-Century Rome," *Papers of the British School at Rome* 77 (2009), 257–72.

31 Pellegrini, "A Turning-Point"; J.M. DeSilva, "Senators or Courtiers: Negotiating Models for the College of Cardinals under Julius II and Leo X," *Renaissance Studies* 22 (2008), 154–73. Eadem, "Red Hat Strategies: Elevating Cardinals, 1471–1549," in P. Prebys (ed.), *Early Modern Rome, 1341–1667* (Ferrara: 2011), 729–41.

and political patronage. Sandro Carocci has shown how the household was the main focus of this in previous regimes but popes now had factional supporters to reward as well as others within the wider Italian elite who were coming to expect representation within the College as part of their pact to accept the legitimacy of papal rule over them.[32] Statistics for some of Italy's most prominent aristocratic families are quite striking. The Carafa and Colonna families both produced fourteen cardinals between 1417 and 1799, the Borgia thirteen, the Medici eleven, the Orsini ten. The Colonna had one or more members within the College for 254 of these 382 years, the Orsini for 238, the Carafa for 212, the d'Este for 179.[33] Of course, these figures reflect only connections via male lines.

In fact, most cardinals from this era were linked together by a dense web of social and patronal ties (including marriage ties amongst their siblings and nieces/nephews) which belied the idea that this was a group of individuals chosen on the basis of modern conception of merit.[34] Again, the growth in the numbers of Cardinals, like that in numbers of venal officials, had further consequences: popes from Clement VII were able to borrow money via the so-called *monti della fede* even without putting up office as collateral.[35] They were able to increase the number of officials – usually governors – whom they maintained within the Papal States' provinces, creating a papal temporal hierarchy which supplemented and, eventually, conflicted with the spiritual hierarchy represented by the pope's subordinate bishops.

In the short run, all this investment of money and human capital led to a great flowering in Rome, largely because the release of capital allowed popes to undertake all kinds of commissions, and because the exigencies of projecting monarchic power compelled them to do so. Even the turbulence of the Italian Wars – which, of course, led directly to Rome's shocking sack in 1527 – did not alter fundamental trajectories and Rome became the caput mundi, the "workshop of all the practices of the world," as Cardinal Ferdinando de' Medici put it in the 1560s, once again – in the eyes of many who lived there, at least.[36]

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32 S. Carocci S., *Il nepotismo nel medioevo: Papi, cardinali e familglie nobili* (Rome: 1999).

33 C. Weber, *Senatus divinus: Verborgene Strukturen im Kardinalskollegium der frühen Neuzeit (1500–1800)* (Frankfurt am Main: 1996); M. Pattenden, *Electing the Pope in Early Modern Italy, 1450–1700* (Oxford: 2017), 19.

34 B. McClung Hallman, *Italian Cardinals, Reform, and the Church as Property, 1492–1563* (Berkeley: 1985).

35 M. Monaco, "Il primo debito pubblico pontificio: Il *Monte della Fede* (1526)", *Studi Romani* 8 (1960), 553–69.

36 Ferdinando de' Medici to Francesco de' Medici, 13th March 1579, Archivio di Stato di Firenze, *Mediceo del Principato* 5089.

## 2 Long-Term Consequences

The long-term transformations within the Curia during the period described above were substantial and were catalyzed by the mix of policies enacted by this eclectic selection of Renaissance popes. In terms of the Curia's institutional structures, I have already noted the rise of the Datary as a primary financial organ within the curial system. However, the rise to prominence of one tribunal, the Signatures of Grace and Justice (*Segnature di Grazia e di Giustizia*), which later diverged into two (the Grace part became the final appeal courts for petitions while that of Justice came to serve for especially sensitive cases), and the consolidation of another, the Roman Rota, which was the pope's court of highest appeal, are just as notable.[37] The Rota, though a much older body, in fact, only gained its modern name in 1418 and its "definitive" roster of twelve auditors under Sixtus IV. Other units within the Curia also saw a significant expansion of activities (and of extant records of their activities). The Apostolic Penitentiary (*Penitenzieria Apostolica*), which Kirsi Salonen studies, is instructive, for instance. Its registers begin to survive in earnest only from 1409 but the number of documents in them grows substantially over the course of the fifteenth century: there are just 775 extant for Eugene IV's pontificate but 7,478 for Sixtus IV's and 6,648 for Alexander VI's.[38] The Rota's records also tell a similar tale. The *Manualia Actorum* (registers of the notaries) commence in 1464, the *Sententiae* (sentences) in 1474, the *Commissiones* (petitions) in 1480, and the *Decisiones* (decisions) from 1511.[39]

All this bureaucratic expansion was possible because of the growth in personnel facilitated by, among other things, Sixtus IV's exploitation of venality but also by wider social and economic factors such as the availability of cheap paper (which incentivized record-keeping) and a broader cultural move in Italian cities towards the promotion of civic archives (something Filippo de Vivo and his team have studied).[40] A further consequence of this, though also a factor that shaped the nature of papal record-keeping, was that it precipitated the arrival of skilled humanists in the Curia – Piccolomini's presence there was just the tip of the iceberg in this respect. Peter Partner described the growth of

37 N. del Re, *La Curia Romana: Lineamenti storico-giuridici,* 4th edition (Rome: Biblioteca Apostolica Vaticana, 1998), 212–25, 226–242.

38 K. Salonen, "Cardinals and the Apostolic Penitentiary," in Hollingsworth et al. (eds.), *A Companion to the Early Modern Cardinal* (Leiden: 2020), 144–53, at 152.

39 K. Salonen, "The Sacra Romana Rota", in K. Sisson and A. Larson (eds.), *A Companion to the Medieval Papacy* (Leiden: 2016), 281–82.

40 F. de Vivo, A. Guidi, and A. Silvestri, "Archival Transformations in Early Modern European History," *European History Quarterly* 46 (2016), 421–34.

this humanist civil service in *The Pope's Men* (1990) and various scholars before and after assessed its cultural and intellectual legacies: besides McCahill's work on Martin and Eugene's pontificates, the works of John d'Amico, John O'Malley, and Charles Stinger stand out in this respect for the "classic" Renaissance period (*c.*1480–1530).[41] D'Amico, O'Malley, and Stinger all examined the rhetorical strategies employed by papally-commissioned humanists and the intersections between classical learning and activities such as preaching. A project led by Peter Howard has now taken this further by examining humanist preaching specifically in the context of the Sistine Chapel during Sixtus' pontificate and those of his immediate successors.[42]

A second long-term consequence of the development in papal policy towards curial structures and personnel was, as already been described in passing, a concomitant growth in artistic and architectural commissions that formed part of a general transformation of Rome's urban landscape.[43] To reiterate, many of these commissions were undertaken by popes themselves – and Nicholas V and Sixtus IV, for the early Renaissance, and Julius II and Leo X, for the later period, were particularly active in this regard. However, popes themselves were far from the Curia's only patrons, as Carol Richardson, in particular, has shown. Cardinals, from Martin V's time onwards, were especially charged with responsibility for restoring aspects to the city fabric associated with their office – most notably their titular churches and any attached palaces. Status competition between cardinals, but also between the Roman and non-Roman noble families from which they hailed, further stimulated the demand for artistic consumption. Examples of the new palaces of the era include the Palazzo Venezia, built between 1455 and 1467 by the future Paul II, and the Palazzo della Cancelleria, built by Sixtus IV for his nephew Raffaele Riario (then Papal Chamberlain) but also the lesser-known Palazzo Capranica, built for Domenico Capranica from 1451 and a range of other constructions that were really renovations of older

41 J. O'Malley, *Praise and Blame in Renaissance Rome: Rhetoric, Doctrine and Reform in the Sacred Orators of the Papal Court, c.1450–1521* (Durham, NC: 1979); J. d'Amico, *Renaissance Humanism in Papal Rome: Humanists and Churchmen on the Eve of the Reformation* (Baltimore: 1983); C. Stinger, *The Renaissance in Rome* (Bloomington: 1985).

42 P. Howard, "The Visual Art of Preaching in the Sistine Chapel in the Fifteenth Century", Australian Research Council Discovery Project (2019–22), published outputs forthcoming.

43 G. Simoncini, *Roma: Le trasformazioni urbane nel Quattrocento*, 2 vols. (Florence: 2004); Westfall, *In this Most Perfect Paradise*; Burroughs, *From Signs to Designs*; P. Long, *Engineering the Eternal City: Infrastructure, Topography and the Culture of Knowledge in Late Sixteenth-Century Rome* (Chicago: 2018); C. Keyvanian, "Papal Urban Planning and Renewal: Real and Ideal, c.1471–1667," in P.M. Jones, B. Wisch, and S. Ditchfield (eds.), *A Companion to Early Modern Rome, 1492–1692* (Leiden: 2019), 305–23.

buildings.[44] The Curia soon came to dominate Rome's urban life and rhythms via the execution of such initiatives – and to a degree for which there was not real medieval precedent. The Vatican, in particular, became a beating heart that pumped persons as well as goods and information around the ancient city across the Tiber. The titular churches, and their neighboring *palazzi*, moreover, formed a nodal network where curial business – either administrative or political – was increasingly conducted. This then further attracted the presence of others, in turn shaping the character and composition of neighborhoods and urban movement in ways that John Hunt has begun to explore.[45]

A third possible consequence of the Curia's re-Romanization was, of course, religious reform. Assessing the religiosity of the papal court at Avignon or during the period of the Schism is not easy, and has not necessarily dominated the historiography of those periods. However, a sense that religious questions once again came to matter, and to be debated, within the Curia has shaped a lot of sixteenth-century historiography. That historiography has, in turn, located the origins of such debates in slightly earlier periods. Besides Peter Howard's work on the role of preaching (and therefore also of theologians) in the late fifteenth-century Sistine Chapel, one might also here cite O'Malley, in particular, not only for his well-known monograph on *Praise and Blame* but also for a shorter, but still important, article on the discovery of America and curial reform thought.[46] O'Malley is one of a number of mid-to-late twentieth-century Catholic historians who pushed back against dominant Protestant narratives for sixteenth-century religious history which located the origins of reform squarely in Martin Luther's 1517 actions at Wittenberg. Rather, said O'Malley, reform was already on the agenda in Rome and events such as the Fifth Lateran Council (an affair studied extensively by Nelson Minnich across a vast series of publications) show the vitality of such questions even during Renaissance Rome's supposedly headiest days of temporal excess.[47] Certainly, many of the reformers of the mid sixteenth century – most notably Gian Pietro Carafa and Jacopo Sadoleto but also younger individuals such as Rodolfo Pio, Marcello

44 Richardson, *Reclaiming Rome*, 263–313.

45 J. Hunt, "Carriages, Violence, and Masculinity in Early Modern Rome," *I Tatti Studies in the Italian Renaissance* 17 (2014), 175–96. Idem, "The Ceremonial Possession of a City: Ambassadors and their Carriages in Early Modern Rome," *Royal Studies Journal* 3 (2016), 69–89. Hunt's focus has been decisively on the post-Tridentine period.

46 J. O'Malley, "The Discovery of America and Reform Thought at the Papal Court in the Early Cinquecento", in M.J.B. Allen and R.L. Benson (eds.), *First Images of America: The Impact of the New World on the Old*, 2 vols. (Berkeley: 1976), 1:185–200.

47 See, for instance, the essays in N. Minnich, *The Fifth Lateran Council (1512–17): Studies on its Membership, Diplomacy, and Proposals for Reform* (London: 1993).

Cervini, and Giovanni Morone – all experienced formative times at the court or within the social networks of early sixteenth-century popes.[48] Their subsequent careers were not entirely in reaction to what they had witnessed and reform initiatives such as the notorious commission *De Ecclesia emendanda* (1536), which has often been taken to mark the Counter-Reformation's first salvo, were the product of such efforts.

## 3 The "Prodi Paradigm"

It is inevitable, however, that the final part of this essay must return to the basic thesis advanced by Prodi in *Il sovrano pontefice* to ask whether the major long-term effect of the Curia's re-grounding in Rome was not really, above all, an unhealthy, and potentially sclerotic, centralization of papal power. Prodi prosecuted his thesis by drawing attention to several features in the development of curial structures in this period: the tendency to accrete new units over old ones without rationalizing competencies or jurisdictional boundaries, the subordination of the cardinals to the pope such that they gradually abandoned their pretensions to represent an independent ecclesiastical senate, and the subordination of the Church's spiritual hierarchy in Italy (i.e. its bishops) to the pope's new temporal hierarchy constituted of governors and other officials. Prodi's case study for this, par excellence, was that of Gabriele Paleotti, Bishop then Archbishop of Bologna from 1565 to 1597 who struggled against Rome to implement reform.[49] He also drew attention to the dominance that certain later sixteenth-century popes, notably Sixtus V (r. 1585–90) and Clement VIII (r. 1592–1605) exercised over the Sacred College.[50] And, above all, he emphasized that popes were wont to consolidate their power in these ways because by creating new units (or new cardinals) they manufactured new vehicles for imposing their will within the Curia. They had no particular motivation towards suppressing obsolete structures because suppression meant creating potential adversaries who had been deprived of office. Far better simply to bypass the individuals concerned with new structures and procedures. This factor alone explains why institutions such as the Datary or the *Segnature*

48 See, for instance, various studies of these cardinals including, W. Hudon, *Marcello Cervini and Ecclesiastical Government in Tridentine Italy* (DeKalb, IL: 1992); E.G. Gleason, *Gasparo Contarini: Venice, Rome, and Reform* (Berkeley: 1993); A. Vanni, *"Fare diligente inquisition": Gian Pietro Carafa e le origini dei chierici regolari teatini* (Rome: 2010).

49 P. Prodi, *Il Cardinale Gabriele Paleotti (1522–1597)*, 2 vols. (Rome: 1959–67).

50 Prodi, *The Papal Prince*, 80–85.

displaced older tribunals in their business without the development leading to their suppression. But it also came with a cost: growing complexity made it harder over time to work out who held what responsibility or jurisdiction within the Curia, throwing up ever more conflicts which required the pope's attention and requiring the system to allocate more resources to information collection and communication so that the pope became aware of them. Such dysfunction was not fatal to the papacy as a whole – after all, all absolutist *anciens régimes* displayed its key features – but it made the consistent application of policy in particular areas harder. For Prodi, it also drew papal attention away from matters pertaining to the universal mission and towards those relating to local politics.

Prodi's influence on how we read the politics and institutional history of the sixteenth-century Curia – and, by extension, the papacy's role in the wider Counter-Reformation – can scarcely be overstated. So what does an analysis of the period up to the 1530s reveal that might support or allow us to critique it?[51] Ludwig Pastor noted more than a century ago that Adrian VI was the one pope in this period who tried to cut through the systemic complexities that were emerging and made himself unpopular as a result (whether he would have made any headway had his pontificate been less than extremely short is, perhaps, anyone's guess).[52] But a potent critique of Prodi which applies for the later period, and might be fruitfully extended backwards, is the observation that this system did not only benefit popes: in fact, it would seem to have benefitted their subordinates among the cardinals, and even the ranks of lesser papal officials, far more. For one thing, while a powerful late sixteenth-century pope such as Sixtus V could in theory do anything, in practice he was highly constrained by his ability to know what he could or needed to do. Moreover, such moments when the pope was at the height of his powers were not necessarily typical. Far more frequently, popes were distracted or were simply ailing – that was the consequence of an electoral monarchy that increasingly selected for aged and short-lived candidates. The room this gave for curial subordinates to pursue their own agendas under cover of papal authority was substantial – and may explain their enthusiasm for expanding the remit of papal power even as far back as Sixtus IV. Again, this would not be out of line with the practice of politics and government in other *anciens régimes*.

51 On this point, see Dermot Fenlon's review essay of Prodi, "The Papal Prince. One body two souls: The papal monarchy in early modern Europe by Paolo Prodi," *Scottish Journal of Theology* 44 (1991), 120–27.

52 Pastor, *History of the Popes*, 9:84–102.

The evolution of this new more complex Curia spurred on the diversification but also institutionalization of career pathways for aspirant clerics through it, in ways that Wolfgang Reinhard (among others) has studied.[53] Such clerics had various routes by which they might enter papal service, including via purchase of office but also on account of family connections, noble blood, or even personal merit. But, for most, legal training became a valuable resource for advancement – not least because it gave them an at least rudimentary background in the processes by which decisions were formally reached. Knowledge of canon law therefore, in fact, remained far more important in Rome than in other places where civil law and the state grew in influence at the Church's expense – and Rome and Bologna, the major universities of the Papal States, became outliers in retaining more expertise in canon law than other universities. This situation changed only somewhat even after Pius IV decisively severed the link between canon law and traditional jurisprudence by banning the glossing of Trent's decrees in 1564 via the bull *Benedictus Deus*.[54]

But was Prodi right, overall, that the reforms of the period 1420–1530 – and, in particular, 1471–1521 – led directly, even inexorably, to the situation which emerged within the post-Tridentine Curia? One further piece of evidence, not yet discussed, was the financial situation. Peter Partner, once again, was at the forefront of studying this and, in an important essay for *Past & Present*, he confirmed the papacy's increasing dependency on local Italian revenues, mostly in the form of temporal revenues, in this period.[55] In the immediate context of debate this had one important implication: it showed how any idea that the papacy was financially crippled by the loss of spiritual revenues from those parts of Northern Europe which defected to Protestantism (or even from parts of Catholic Europe which displayed particularist or Gallican tendencies) was misguided. Papal revenues rose steadily from the late fifteenth century through to the mid sixteenth, which underpinned the activity popes and their

53 W. Reinhard, "Struttura e significato del sacro collegio tra la fine del XV e la fine del XVI secolo," in *Città italiane del cinquecento tra riforma e controriforma: Atti del convegno internazionale di studi, Lucca, 1983*, (Lucca: 1988), 257–65; Idem, "Papal Power and Family Strategy in the Sixteenth and Seventeenth Centuries," in R. Asch and A. Birke (eds.), *Princes, Patronage and the Nobility: The Court at the Beginning of the Modern Age* (London and Oxford: 1991), 329–56.

54 P. Grendler, *The Universities of the Italian Renaissance* (Baltimore: 2002), 454–55, 459–60.

55 P. Partner, "Papal Financial Policy in the Renaissance and Counter-Reformation," *Past & Present* 88 (1980), 17–62. See also, idem, "*Camera Papae*: Problems of Papal Finance in the Later Middle Ages," *The Journal of Ecclesiastical History* 4 (1958), 55–68, and "The 'Budget' of the Roman Church in the Renaissance Period," in E.F. Jacob (ed.), *Italian Renaissance Studies: A Tribute to the Late Cecilia M. Ady* (London: 1960), 256–78.

subordinates were able to accomplish. Moreover, sale of office was at the heart of this. Purchasers of office had invested some 2,485,150 ducats in it by 1521 and in 1525, the datary valued the 2,300 offices for sale at two-and-a-half million *scudi*.[56] Of course, in the long run this may well have been something of a Ponzi scheme – a point Prodi failed to emphasize.[57] Popes took on long-term liabilities to facilitate immediate expenditure, both in the form of salaries to current officials and the costs of projects and exhibitions of their *magnificenza*. Wolfgang Reinhard, in a series of important interventions, nevertheless argues that all this was crucial to the subsequent and progressive institutionalization of the figure of the "Cardinal Nephew" from 1534.[58] It allowed each new papal regime to embed itself and to outspend its predecessors.

Only much later, in the mid seventeenth century, did the problems with this progression begin to become painfully apparent.[59] By that point, however, the Renaissance era was a long time past. Popes were settled in Rome – so much ensconced, in fact, that no pope had left his state since Clement VII and Paul III's diplomatic missions to Nice and Marseilles at the very end of the period described here.[60] Papacy, Curia, and Rome had been inexorably bound together, or so it seemed. Only the forces of Revolution and Risorgimento were to tear the marriage asunder, centuries later. But, even now, the pope remains Rome's most famous resident (albeit in his own legally independent jurisdictional enclave), which perhaps goes to show that Constance's electors were right to have chosen Martin V all that time ago.

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56 Litva, "L'attività finanziaria della Dataria," 135; Partner, "Papal Financial Policy", 23.

57 My views on this subject contrast with those of several Italian historians. See Pattenden, *Electing the Pope*, 220–60; F.P. Caselli, "Aspetti del debito pubblico nello Stato Pontificio: Gli uffici vacabili," in *Annali della Facoltà di Scienze Politiche dell'Università degli Studi di Perugia* 11 (1970–72), 101–74; D. Strangio, "Public Debt in the Papal States, Sixteenth to Eighteenth Century," *The Journal of Interdisciplinary History* 43 (2013), 511–37.

58 W. Reinhard, "Nepotismus: Der Funktionswandel einer papstgeschichtlichen Konstanten," *Zeitschrift für Kirchengeschichte* 86 (1975), 145–85. Idem, *Paul V. Borghese (1605–1621: Mikropolitische Papstgeschichte* (Stuttgart: 2009).

59 A.M. Ippolito, *Il tramonto della Curia nepotistica: Papi, nipoti e burocrazia curiale tra XVI e XVII secolo* (Rome: 1999); M. Bernasconi, *Il cuore irrequieto dei papi: Percezione e valuazione ideologica del nepotismo sulle base dei debattiti curiali del XVII secolo* (Bern: 2004).

60 See Pastor, *History of the Popes*, 10:231–34 and 11:283–91.

CHAPTER 14

# Europe and the Roman Curia: Conflicts of the Counter Reformation

*Elena Bonora*

In this chapter I will discuss how the analysis of political and religious processes and the dynamics at work in Europe in the sixteenth and seventeenth centuries can contribute to shedding light on the development of the structure of the Papal Court and its decision-making mechanisms. By adopting a point of view which goes beyond the perimeter of the Roman Curia, we can appreciate that the Protestant Reformation and the resulting religious division of the European political space were the source of profound transformations within the Papacy. These transformations, however, did not concern only the bureaucratic-administrative machinery, the court, the chancellery, or the system of diplomatic representations: they rather implied a radical shift in political strategies and religious ideologies as well as in the institutional structures that were supposed to implement them. Faced with the challenges coming from Europe, with the spread of "heresy" and the radical criticism directed at the authority of the pope – identified as the Antichrist – the Roman Church was forced to make choices. I use the word "choices", though it is in fact a euphemism. By that term indeed we don't have to imagine a peaceful process by which an abstract and monolithic subject, such as the Roman Curia, made its decisions. On the contrary, the middle decades of the sixteenth century marked the beginning of an era of excruciating conflicts within the Papal Court regarding the proper response to the momentous political and religious changes underway in Europe. These conflicts involved different positions on ecclesiological questions and measures to be taken vis-à-vis religious dissent, and were initially concentrated within the College of Cardinals, in the context of the struggle over the distribution of powers in the Church.[1]

1 On the conflict between "intransigents" and "spirituals", see M. Firpo, *Inquisizione romana e Controriforma. Studi sul cardinal Giovanni Morone (1509–1580) e il suo processo d'eresia*, (Brescia: 2005, reprint [Bologna: 1992]). For an overview, see E. Bonora, *La Controriforma* (Rome-Bari 2020, reprint [Rome-Bari: 2001]).

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## 1 The Congregation of the Inquisition at the Center of the Roman Curia

The attentive reader may have noted that my use of the word "choices" to indicate the outcome of conflicts and characterize the changes that took place within the Church in the second half of the sixteenth century is a deliberate strategy to avoid the term "reforms". Much of twentieth-century historiography depicted the reforms decided upon by the Council of Trent as the response of the Roman Curia to the Protestant challenge and to the widespread aspirations and calls for renewal in society and the Church.[2] Yet studies by Italian historians over the last three decades have shown that quite different processes were at work: these scholars portray the second half of the sixteenth century as a period not so much marked by the application of the Tridentine decrees to reform the Church than as a phase that saw the rise and consolidation of power of the Congregation of the Inquisition, a repressive institution that established itself in the heart of the Curia and came to dominate it.[3]

The Congregation of the Inquisition, or Holy Office, was the first born (1542) of a system of cardinalitial congregations at the top of the Church.[4] The congregations were permanent dicasteries directly responsible to the pope, who had the prerogative of nominating and removing their members. After that of the Inquisition, other congregations were established, with varying competencies and powers. Here I will cite only some of these: the Congregation of the Council, established in 1564 to interpret and apply the Tridentine decrees; the Congregation of the Index (1572), for censorship; the Congregation of

2 On the limits of the Council reforms and the Tridentine historiographical myth, see M. Firpo, *Riforma cattolica e concilio di Trento: Storia o mito storiografico?* (Rome: 2022); G. Wassilowsky, "The Myths of the Council of Trent and the Construction of Catholic Confessional Culture," in V. Soen and W. François (eds.), *The Council of Trent: Reform and Controversy in Europe and Beyond (1545–1700)*, 3 vols. (Göttingen: 2018), 1, 69–98; W. Reinhard, "Mythologie des Konzil von Trient," in M. Catto and A. Prosperi (eds.), *Trent and Beyond: The Council, Other Powers, Other Cultures* (Turnhout: 2016), 11–24; S. Ditchfield, "Trent Revisited," in G. Dall'Olio, A. Malena, and P. Scaramella (eds.), *Per Adriano Prosperi*, 3 vols. (Pisa: 2011), 1, *La fede degli italiani*, 357–70; S. Ditchfield, "Tridentine Catholicism," in G.H. Janssen, M. Laven, and A. Bamji, *The Ashgate Research Companion to the Counter-Reformation* (Farnham: 2013), 15–31.

3 M. Firpo, *La presa di potere dell'Inquisizione romana. 1550–1553* (Rome-Bari: 2014).

4 On the Roman Inquisition, see E. Bonora, "The Takeover of the Roman Inquisition," in D.S. Prudlo (ed.), *The Early Modern Inquisition: A Companion to Heresy Inquisition* (Leiden-New York: 2019), 249–279; G. Maifreda, *The Business of the Roman Inquisition in the Early Modern Era* (London-New York: 2017). A slightly impressionistic view of the local tribunals can be found in C. Black and K. Aron-Beller, *The Roman Inquisition: Center and Peripheries* (Leiden: 2018).

Bishops and Regulars (1601), with responsibilities for a great variety of matters regarding both the governing of dioceses and religious orders: this congregation was the result of the fusion of two separate dicasteries of the Bishops and of the Regulars, instituted in 1573 and 1586, respectively; the Congregation of Rites, to define the liturgy, the cult of saints, and canonization procedures; and the Congregation for the Propagation of the Faith (*Propaganda Fide*, 1622), responsible for the global organization of missions to infidels, schismatics and heretics. In 1588, Pope Sixtus V (1585–1590), a Franciscan friar and former inquisitor, issued the bull *Immensa aeterni Dei*, which reordered the entire system into fifteen congregations and established the bases for the organizational apparatus that would characterize the Curia for centuries.[5] In keeping with his past as inquisitor, the pope attributed the preeminent role to the Holy Office.

Let us look more closely now at the emergence of the Congregation of the Inquisition, the powerful central tribunal for the defense of the faith and the struggle against heresy. It was created by Pope Paul III in 1542 in the context of the raging conflict with the Habsburg Emperor Charles V, a clash which marked the pontificate of the Farnese pope (1534–49).[6] Gian Pietro Carafa was chosen to head the Roman Inquisition: the Neapolitan cardinal harbored intense hatred against the emperor and the Habsburgs and intransigently urged the repression of doctrinal dissent along with any proposal for dialogue and mediation with the "heretics". In the view of the cardinal-inquisitor Carafa, the merciless struggle against heresy represented a necessity which, as we will see, precluded any demands for change (and for "reforms") in the Church.[7] When he himself became pope in 1555, taking the name Paul IV, Carafa was able to transform his positions into Church policy.

Yet none of the features that would define the Roman Inquisition could have been foreseen in 1542: its endurance, its rapid conquest of power in the Curia, its effect on the College of Cardinals (where, at that time, dissenting voices against the uncompromising politics of the inquisitors were raised), and its ability to influence the distribution of powers at the periphery of the ecclesiastical network (in particular measures that affected relations between bishops and inquisitors at the local level). All of these changes contributed to

5 M.T. Fattori, "Per una storia della curia romana dalla riforma sistina, secoli XVI–XVIII," *Cristianesimo nella Storia* 35 (2014), 787–848.

6 On the conflict between Paul III and Charles V and its long-term repercussions on Italian history, see E. Bonora, *Waiting for the Emperor: Italian Princes, the Pope and Charles V* (Rome: 2022).

7 M. Firpo, *Inquisizione romana*; Massimo Firpo and Germano Maifreda, *L'eretico che salvò la Chiesa. Il cardinale Giovanni Morone e le origini della Controriforma* (Turin: 2019, English translation in press).

the sidelining of the projects and reforms that emerged from the Council of Trent. In light of the Inquisition's seizure of power in the Roman Curia during the middle decades of the sixteenth century, we are able to affirm that the "post-Tridentine" Church was in fact not very "Tridentine". Indeed, several popes held this same point of view, not least Innocent XI, who between the 1670s and 80s attempted to impose the so-called "Innocentian Turn," a reform of the Church *in capite et in membris* that would finally apply the Tridentine decrees, which until then had been ignored.[8] Even the Jesuit cardinal Robert Bellarmine shared this outlook: forty years after the conclusion of the Council of Trent, he wrote a report on reform to Pope Clement VIII in which he observed that Trent had failed with regard to organization and discipline and expressed his hope for the convocation of a new council.[9]

The Congregation of the Inquisition and its network of tribunals operated mainly on the Italian peninsula. It was here that the courts of the Holy Office, established to uproot and fight heresy, had their most devastating effects. Once heretics and dissidents were eliminated, they in fact turned their attention to controlling society: its mores, culture, and religious practices. In addition, we must bear in mind that the peculiar configuration of the relations between ecclesiastical and civil powers, between Church and State, played a decisive role in this politically fragmented territory. In sixteenth- and seventeenth-century Italy, no prince could afford to enter into conflict with the pope. Although non-Italian historians often tend to underestimate this specifically Italian phenomenon, it was of crucial importance: the impact, predominance, and omnipresence of the Church in Counter-Reformation Italy was a historical condition that rendered the situation of the peninsula quite different from that of the rest of Catholic Europe.[10]

What I wish to emphasize, however, are the political dynamics that during the sixteenth century enabled the Holy Office to achieve a position of uncontested preeminence in the Roman Curia. It maintained this status even when other congregations operated by its side, with competencies that at times overlapped with those of the cardinal-inquisitors and at others came into direct conflict with them, though without ever managing to diminish the exclusive

8 C. Donati, "La Chiesa di Roma tra antico regime e riforme settecentesche (1675–1750)," in G. Chittolini and G. Miccoli (eds.), *Storia d'Italia. Annali: 9. La Chiesa e il potere politico* (Turin: 1986), 719–66: 721–34.

9 G. Fragnito, "'Vescovi 'censori': Il Tridentino alla prova," in G.P. Brizzi and G. Olmi (eds.), *Dai cantieri della storia: Liber amicorum per Paolo Prodi* (Bologna: 2007), 25–35: 33–34.

10 M. Firpo, "Rethinking 'Catholic Reform' and 'Counter-Reformation': What Happened in Early Modern Catholicism – a View from Italy," *Journal of Early Modern History*, 20 (2016), 293–312.

prerogatives of the Holy Office in matters of faith. These competing congregations included the ones we have named above – those of the Council, the Bishops and Regulars, the Index, *Propaganda Fide*, and the Rites – as well as the Congregation of Ecclesiastical Immunity at a later date.[11]

It is important to appreciate that the Inquisition's dominant position in the Roman Curia was not merely a question of its prerogatives and jurisdictional breadth but also a matter of politics and ideology. Above all, its power lay in the ability of inquisitors to impose a rigid doctrinal identity of the Church which was never subject to questioning or doubt. Only several years after its establishment, the instrument which rendered the rise of the Holy Office possible was the political use of the accusation of heresy. This became evident in the conclave of 1549, upon the death of Paul III, when the election of the English cardinal Reginald Pole was averted thanks to the spread of rumors of the existence of an inquisitorial report on him, which was in possession of Cardinal Carafa.[12] Suspicions of heresy, unsupported by court rulings but simply based on the existence of an investigation or a report made to the Inquisition, were used at the time as a weapon not only to condition the papal election but also against aspiring bishops and cardinals.[13] On the strength of the disgraceful

11 Among the many valuable studies on these congregations, here I will only mention several. On the Congregation of the Council and that of the Bishops and Regular Clergy, see G. Romeo, "Confessione dei peccati e confessori nell'Italia della Controriforma: cosa dire del Seicento?," *Studi storici*, 51:4 (2010), 967–1002; M. Mancino, "La giustizia penale ecclesiastica nell'Italia del Seicento: linee di tendenza," *Studi storici*, 51:4 (2010), 1003–1033; A.M. Ippolito, *1664: Un anno della Chiesa universale. Saggio sull'italianità del papato in età moderna* (Rome: 2011). On the Congregation of the Index, see G. Fragnito, "The Central and Peripheral Organization of Censorship," in G. Fragnito (ed.), *Church Censorship and Culture in Early Modern Italy* (Cambridge: 2001), 13–49. On the Congregation of Rites, see M. Gotor, *I beati del papa: Santità, Inquisizione e obbedienza in età moderna* (Florence: 2002). On the Congregation for the Propagation of the Faith, see G. Pizzorusso, *Propaganda Fide: La congregazione pontificia e la giurisdizione sulle missioni* (Rome: 2022). On the Congregation of Ecclesiastical Immunity, see "La Congregazione dell'Immunità ecclesiastica: per una storia dell'istituzione e dei suoi componenti (1623–1700)," which forms part of the thematic section of M.C. Giannini and S. Giordano (eds.), "Governare per Congregazioni: La Curia papale tra pratiche istituzionali e logiche informali," *Archivum Historiae Pontificiae*, 53 (2019), 207–354: 301–326.

12 On the conclave of 1549, see Firpo and Maifreda, *L'eretico che salvò la Chiesa*, 312–324; Bonora, *Waiting for the Emperor*, 223–244.

13 In this regard, the volumes edited by M. Firpo on the inquisitorial trials against cardinals, bishops and prelates are essential: M. Firpo and D. Marcatto (eds.), *I processi inquisitoriali di Pietro Carnesecchi (1557–1567). Edizione critica*, 2 vols. (Vatican City: 1998–2000); M. Firpo and S.M. Pagano (eds.), *I processi inquisitoriali di Vittore Soranzo (1550–1558)*, 2 vols. (Vatican City: 2004); M. Firpo and D. Marcatto (eds.), *Il processo inquisitoriale del cardinal Giovanni Morone: Nuova edizione critica*, 3 vols. (Rome: 2011–2015).

suspicion of heresy, cardinal-inquisitors could even call into question candidacies for bishoprics put forth by European sovereigns. The accusation of heterodoxy made by the Inquisition against a candidate was in fact a definitive argument to contain political pressures from princes and to counter their right of appointment to major benefices in their states. Such arguments against the nomination of a particular figure were not based on the *Decretali* or on ancient constitutions which established the requirements for the care of souls; rather, they were raised to prevent a bishop or cardinal suspected of heresy from potentially ascending to the Papacy in the future.[14] Once again, we are able to discern the limits of a historiographical approach to Church institutions which is only concerned with their functioning and formal prerogatives: such a perspective is not able to account for the actual power that these institutions were able to exercise.

The leading ranks of the Curia thus pursued a course of action based on the priority of the anti-heretical struggle and on the conviction that the "stain of heresy" was an indelible mark that would obstruct the path to any position in the ecclesiastical hierarchy. Yet this course was not simply a makeshift strategy, a contingent political tool adopted in a particularly tense moment in the conflict between moderate and intransigent positions within the College of Cardinals concerning the way of conceiving the relationship with heretics and Church reform. Rather, it was an enduring ideology that would be consolidated within the normative framework established by inquisitorial popes of the second half of the sixteenth century. In 1559, the former cardinal-inquisitor Gian Pietro Carafa had been pope for some four years, having taken the name Paul IV; he would die on 18 August of the same year. On 15 February, he promulgated the bull *Cum ex apostolatus officio*. With retroactive effect, this bull was directed at clerics or laymen of any order or rank (the latter category included emperors and kings) who were expected to be a *bonum exemplum* in the offices they held: if these persons were caught in flagrant acts of heresy or confessed to or were accused of such acts, they could and had to be automatically deprived of every right, prerogative, and revenue connected to their positions.[15]

14 E. Bonora, *Giudicare i vescovi: La definizione dei poteri nella Chiesa postridentina* (Rome-Bari: 2007).

15 The text of the bull can be found in *Bullarum diplomatum et privilegiorum sanctorum romanorum pontificum*, VI, Augustae Taurinorum, 1860, 551–556. The *Cum ex apostolatus officio* of Paul IV stipulated that delegates of the Holy Office could proceed as far as the definitive sentencing against bishops as well; during the Council of Trent, however, the latter requested that the prerogative to issue the final verdict rest with the pope. This is what essentially happened as a result of the initiative taken by Pope Pius IV, who used all possible means to try to limit the powers of the Inquisition: Bonora, *Giudicare i vescovi*.

By then quite elderly, Paul IV intended this solemn document as a tool for preventing the election of men of the Church after his death whom he considered heretics; in particular, he had in mind the Milanese cardinal Giovanni Morone, who was in prison at the time after being indicted in an inquisitorial trial called at the behest of the pope. While this bull represented a legislative initiative connected to a particular political moment, it had long-term effects: with its ambiguous formulations on possible measures to be taken in the case of the pope's heresy, it upheld a crucial thesis of the Congregation of the Inquisition, namely that it was the prerogative of the Holy Office to control theological orthodoxy, including that of the pope, and to have the final word in matters of faith.[16] This is how the bull would be interpreted from that point on in the Curia and how it was presented in inquisitorial manuals.[17] "Who should judge a pope suspected of heresy?"; "who should judge the supreme judge?" This was the problem that this document posed, namely that of the *papa haereticus*. It did so at precisely the moment in which the authority of the Vicar of Christ and the pontifical monarchy should have rather been defended against their many enemies and detractors.

It would be wrong, then, to imagine that the centrality of the Inquisition in the highest ranks of the Roman Curia automatically reinforced papal absolutism. On the contrary, the Holy Office sometimes played a "subversive" role vis-à-vis the pontifical monarchy. Dangerous pronouncements on supposed heretical acts committed by the ruling pope, justified by the *Cum ex apostolatus officio*, would resurface at other times over the next decades, in moments in which Inquisition and pontiff were at odds over important Church decisions. This is what occurred regarding the question of the absolution of the French King Henry IV in 1595, which was opposed by the cardinal-inquisitors, and again on the occasion of the promulgation of the third universal Index of prohibited books in 1596: in both crucial instances, Pope Clement VIII and the Holy Office held contrasting viewpoints.[18] Yet even more significant is what happened in the early 1560s to Pope Pius IV de' Medici, the successor of Paul IV. Certain that the concessions made with regard to rites and ceremonies would stem the spread of Protestantism, the pope advocated the granting of the chalice to laymen as a way of legitimizing a popular and long-standing devotional form (communion with both the bread and the wine): it was indeed this practice of receiving communion with the chalice which drew the faithful of half

16 Bonora, *Giudicare i vescovi*, 150–155.

17 Bonora, *Giudicare i vescovi*, 239–250.

18 Gigliola Fragnito, *Proibito capire: La Chiesa e il volgare nella prima età moderna* (Bologna: 2005).

of Europe to the churches of the "heretics".[19] I will not enter into the political implications of these concessions, which were strongly urged by the emperor but opposed by the king of Spain and the Roman Inquisition. What bears noting here is that the climate of growing hostility that was created around the pope, who was labeled a "semi-Lutheran" in the Curia, reached a climax in 1564 in an assassination attempt which Pius IV narrowly escaped. The conspirators were caught and condemned to a cruel death; for their part, the instigators were never discovered, as the investigation was not pursued any further.[20] Yet the trial in which they were indicted, held in Rome before the Governor's Tribunal, gives us a glimpse into the climate of delegitimization that rumors about the heresy of the reigning pope spread inside and outside the Curia, had created around him, dangerously isolating him.

The suspicion of heresy that opened the way for the involvement of the inquisitors at the highest levels of the Curia carried over to the diplomatic sphere as well. The axiom of the Roman Inquisition that whoever conversed with a heretic in turn became a suspect provided the Holy Office with the pretext to condition and control papal diplomacy. This policy is evident in the norms communicated from cardinal-inquisitors to apostolic nuncios, the pope's ambassadors, in Europe during the seventeenth century. Such instructions regarded the behavior that papal representatives were to adopt in foreign courts toward the ministers and ambassadors of heretical sovereigns.[21] In the first phases of the confrontation with the Protestant Reformation in the previous century, when conciliation policies still seemed feasible for the Church, the measures taken to impede dialogue with the Protestants were even more aggressive: not a few high-ranking papal diplomats sent to Germany for religious colloquies or on the occasion of imperial diets found themselves greeted with judicial proceedings for suspicions of heresy upon their return to Rome. As Massimo Firpo has shown, the dispatches of papal diplomats in Germany during the 1540s and 50s seem to have passed through the Holy Office before reaching the hands of historians.[22]

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19 Communion with wine even for lay people was a widespread practice among the German and Bohemian faithful: G. Constant, *Concession à l'Allemagne de la comunion sous les deux espèces: Étude sur le débuts de la réforme catholique en Allemagne* (*1548–1621*), 2 vols. (Paris: 1923).

20 E. Bonora, *Roma 1564: La congiura contro il papa* (Rome-Bari: 2011). These positions had already led to serious accusations of heresy leveled against the Cardinal de' Medici, the future Pope Pius IV, during the conclave, in an attempt to prevent his election.

21 On the strategies used by the Roman Inquisition to condition pontifical diplomacy, see E. Bonora, "Il sospetto d'eresia e i 'frati diplomatici' tra Cinque e Seicento," in G. Fragnito and A. Tallon (eds.), *Hétérodhoxies croisées: Catholicismes pluriels entre France et Italie, XVI^e^–XVII^e^ siècles* (Rome: 2017), 49–74.

22 Firpo, *Inquisizione romana*, 466–467.

The effects of the Inquisition's anti-heretical ideology were long lasting. A telling example of its impact, is the fact that in his biography of Pope Alexander VII Chigi, written in the mid-seventeenth century, the Jesuit Sforza Pallavicino felt obliged to emphasize that during the negotiations for the Peace of Westphalia the nuncio (and future pope) Chigi always avoided any contact with heretics, refraining from communicating with Protestant ministers not only in person but also by letter. Chigi well remembered what had happened to other far more eminent papal legates in the sixteenth century, such as the cardinals "Gaetano, Delfino, Contarino and others."[23]

Yet, we should be wary of entirely believing what cardinal Pallavicino wrote in a biography of a pope, let alone one who was still living. By this time – the mid-seventeenth century – many things had changed in the Curia and in Europe. It is indeed these changes that had taken place in Europe that must form the focus of our attention, before we return to Rome to explore their repercussions on the highest ranks of the Church.

## 2 The Roman Curia Faced with a Multi-denominational Europe: the Nuncios and the Foundation of *Propaganda Fide*

One of the most interesting aspects in the international historiographical landscape is the emergence of a multi-denominational Europe, resulting from the break caused by the Protestant Reformation. A decade ago, in an attempt to clarify the concept of "multi-confessionalism", David M. Luebke noted "the recent outpouring of research" on the topic.[24] As the result of the processes of religious pluralization triggered by the Reformation, multi-confessionalism, in Luebke's view, should be researched within precise juridical and institutional frameworks and power configurations articulated at various levels, not only that of the state. Only by taking these elements into consideration and not focusing exclusively on questions of coexistence from below will we be able to appreciate the complexity of the relationships established in society between individuals and groups adhering to different denominations in early modern Europe. Such analysis concerns a vast area, stretching from the United Provinces to Poland and from England to France, while excluding mono-denominational countries such as Italy, Spain, and Portugal.

Recent studies on early modern multi-denominational Europe have in fact depicted a continent different from the one that we became used to imagining

23 Sforza Pallavicino, *Vita di Alessandro VII*, 2 vols. (Milan: 1843), I, p. 120 (first ed., Prato: 1839).

24 D.M. Luebke, "A Multiconfessional Empire," in T.M. Safley (ed.), *A Companion to Multi-confessionalism in the Early Modern World* (Leiden: 2011), 129–154: 140.

over the last half century. These studies have dismantled established historiographical paradigms and called traditional religious topographies into question.[25] Here I am clearly referring to that historiographic paradigm which saw the processes of "confession building" and state formation as two faces of the same coin, albeit with timeframes that did not overlap. Within this model, which was definitively consolidated during the 1980s, Church and State appeared jointly committed throughout Europe to a common project of disciplining society in order to create both obedient faithful and obedient subjects.[26] The thesis of a shared, parallel course into modernity for Catholicism, Lutheranism, and Calvinism in the Europe of nation-states allowed many late twentieth-century scholars to overcome the dichotomous divide between the "modernity" of Protestant Europe and the "decadence" of Catholic Europe. This paradigm found warm reception among several Italian historians, such as Paolo Prodi; others, meanwhile, viewed it critically, in particular those involved in researching the Roman Inquisition, whose studies led to the clear emergence of what I defined above as the "Italian specificity."[27]

Recent studies on multi-confessionality indeed portray Europe in quite a different way than the paradigm of confessionalization. The denominational geography of the Holy Roman Empire, for example, today appears only minimally as the result of the exercise of the *ius reformandi* granted to sovereigns by the peace of Augsburg in 1555. On the contrary, the Augsburg settlement produced a general juridical framework and established a series of institutions to mediate religious conflicts. It actually circumscribed a space within which confessional borders continued to be defined and redefined according to dynamics – whether local or otherwise – involving multiple juridical subjects with rights and privileges which had an impact on the religious field: territorial rulers, the estates, the emperor, and the supranational Imperial Chamber Court. These same dynamics intermeshed with other processes of an economic, political, and cultural nature that were at work in society.[28] In light

25 See particularly: M. Greengrass, C.S. Dixon, and D. Freist (eds.), *Living with Religious Diversity in Early-Modern Europe* (Farnham, UK-Burlington, USA: 2009), and M.E. Plummer and V. Christman (eds.), *Topographies of Tolerance and Intolerance: Responses to Religious Pluralism in Reformation Europe* (Leiden-Boston: 2018).

26 On the historiographical categories of "confessionalization" and "discipline", see U. Lotz-Heumann, "Confessionalization", in Laven, Janssen, and Bamji (eds.), *The Ashgate Research Companion*, 33–53; W. De Boer, "Social Discipline in Italy: Peregrinations of a Historical Paradigm," *Archiv für Reformationsgeschichte* 94 (2003), 294–307.

27 On the different receptions of this historiographic paradigm in Italy, see E. Bonora, "Il ritorno della Controriforma (e la Vergine del Rosario di Guápulo)," *Studi storici*, 57:2 (2016), 267–295: 271–277, and Firpo, *Riforma cattolica e concilio di Trento*, 46–48.

28 Hence the insistence of historians on the "local nature of multiconfessionalism": T.M. Safely, "Multiconfessionalism: A Brief Introduction," in Safley (ed.), *A Companion to Multiconfessionalism*, 1–22: 16.

of a Europe thus outlined, I wish to pose a question that takes us back to the themes at the core of this essay: how does the great machinery of the Roman Curia operate in this multi-denominational Europe, in which Catholicism often became a minority religion?

Multi-denominational Europe, in which heresy was by now legitimized, was not a world in which the inquisitors felt at home. In spite of the universal pretensions of the Holy Office formulated in the bull that established the congregation in 1542, it is evident that the Curia could not confront a Europe shaped by religious peace *sub specie Inquisitionis*, that is, with the aim of controlling the orthodoxy and orthopraxis of the faithful.[29] The legalization of bi-confessionalism introduced into the Empire by the Peace of Augsburg in 1555 (and in other places through other "public religious peace"), as well as the coexistence of different faiths resulting from multiple local factors, had in fact radically transformed society and the "public space" within which papal representatives now had to move. While the Holy Office continued to claim the right to minutely scrutinize the behavior of papal legates, the Church required other instruments and institutional figures to cope with these changed circumstances: here I am referring first of all to the nuncios and secondly to the congregation of *Propaganda Fide*.

Let us examine this historical transition more closely. As we have seen, the Peace of Augsburg sanctioned bi-confessionalism as a constitutional law of the Holy Roman Empire. In the eyes of the Inquisition, this was tantamount to legalizing heresy. In the same year – 1555 – the former inquisitor Gian Pietro Carafa became Pope Paul IV. The new pontiff did not recognize the Peace of Augsburg (nor did he recognize the new emperor, who took the crown with the votes of Protestant electors). During Paul IV's pontificate, Rome closed its doors to Europe.[30] Those doors were only reopened following his death, at the beginning of the 1560s: the Milanese pope Pius IV convoked the general council in Trent and sent his nuncios to announce the assembly to the princes of Europe, from the Low Countries to Bohemia. It was then that the men of the Church became aware that a veritable new world had taken shape.[31]

This was indeed a period in which some of the highest-ranking papal diplomats found themselves in an extraordinary position. Their dispatches to Rome

29 On the concept of "religious peace," see O. Christin, *La paix de religion. L'autonomisation de la raison politique au XVI^e siècle* (Paris: 1997); E. Bonora, "Peace and Religion," in R. Edsforth (ed.), *A Cultural History of Peace*, 3: I. Lazzarini (ed.), *A Cultural History of Peace in the Renaissance (1450–1648)* (London: 2020), 67–83.

30 E. Bonora, "'Come s'egli non fusse al mondo'. Paolo IV e l'Europa", *Tiempos Modernos*, 37:11 (2018), 360–386.

31 E. Bonora, "Comprendre et décrire un autre monde: Le voyage d'un nonce dans l'Europe des confessions et du pluralisme religieux (1560–1562)", in J. Ferrant and T. Guillabert-Madinier (eds.), *Le Langage et la Foi dans l'Europe des Réformes XVI^e siècle* (Paris: 2019), 215–224.

allow us to follow the fascinating evolution of a process in which they gradually came to understand this new world and to use a new political language to describe this changed scenario, in which processes of religious pluralization developed within a mosaic of jurisdictions. They were indeed faced with a reality whose confessional topographies were inherently fluid and unstable for a myriad of reasons: the result of military conquest, dynastic succession, or institutional rotations guaranteed by the laws of particular geopolitical areas, not to mention the resilience of age-old ecclesiastical institutions. This was a world in which bishops could be elected by Lutheran canons of the cathedral,[32] in which an abbess appointed both the Catholic parish priest and the Lutheran vicar for the monastery's *Simultankirche* ("shared church"),[33] or in which Catholicism survived only at the sovereign's court thanks to the "right of chapel", as was the case in northern Europe.[34] In this new world, religious conflicts were resolved juridically in front of ecclesiastical and civil authorities of different confessions and in competition with one another.

The Roman Church needed to learn how to operate in this changed reality and to negotiate with new interlocutors in order to defend Catholicism where it was threatened and risked vanishing. In this perspective, it needed to defend at times even the Peace of Augsburg, which represented the most efficient bulwark against the spread of Calvinism. At that juncture, the papal nuncios sent to the Empire understood, for example, that there existed local and supranational tribunals to which papal representatives could appeal to demand respect for the Peace of Augsburg.[35] It bears repeating that faced with this reality the defense of orthodoxy and correct practice of the faithful, which constituted the goal of the Inquisition, became an issue of secondary importance compared to other priorities dictated by multi-confessionalism, such as safeguarding Catholicism where it was in jeopardy of being marginalized or even disappearing. In this regard, we cannot ignore the "strabismus" of the Roman Curia, which continued to look one way at Italy, where inquisitorial

32 R.J. Ninness, *German Imperial Knights: Noble Misfits between Princely Authority and the Crown, 1479–1648* (New York: 2021).

33 M.E. Plummer, "Parish Clergy, Patronage Rights, and Regional Politics in the Convent Churches of Welver, 1532–1697," in Christman and Plummer (eds.), *Topographies of Tolerance and Intolerance*, 223–252.

34 Vatican City, Archive of *Propaganda Fide*, *Scritture riferite nei Congressi,* series I: *Germania e missioni settentrionali* (*1622–1680*), fol. 126.

35 During the seventeenth century, against the background of the initial phase of the Thirty Years' War, popes were the staunchest defenders of the Peace of Augsburg, given that it represented a juridical barrier against Calvinism. See Ludwig von Pastor, *The History of the Popes, XXVI: Leo XI and Paul V* (*1605–1621*) (London-St. Louis, MO: 1952), 267ff.

control did not substantially loosen its grip, while it began to look from a different perspective at multi-denominational Europe, where mediation was required for the survival of Catholicism.

In the late sixteenth century, papal diplomats in Europe were accountable to the cardinal-nephew and the Secretary of State,[36] while actually operating with significant independence. This relative autonomy stemmed from the fact that they were dealing with a new world, for which there were no precedents to follow. In 1589, the nuncio Antonio Dal Pozzo explained to Alfonso Visconti, his successor at the imperial court, that in the many "fragmented jurisdictions" that characterized the Empire what a diplomat did on a day-to-day basis upon his own initiative – "procuring, proposing and acting" – was far more important than "what was ordered or dispensed by Rome." As a general remedy for the "insolence and temerity" of heretics, Dal Pozzo recommended "constraining them within the limits prescribed by the Empire's constitutions and the pretended religious peace."[37] On the one hand, then, he advocates the autonomy of the nuncio, while on the other he appeals to the religious peace of 1555 (a "pretended" peace, though a useful one) in the face of the spread of Calvinism and confessional atomization: this is the context in which we must place the institution of new nunciatures in the last quarter of the sixteenth century. These included the nunciature of Cologne, a new vantage point on western Europe, and later those of Lucerne and Brussels; existing ones, meanwhile, took on new significance, such as that of Poland, at the court of an elected king ruling one of Europe's largest states.

Papal nuncios were men of the Church equipped with jurisdictional prerogatives (including their own tribunals) and who operated within a transnational network of territorial ecclesiastical structures, or at least within what remained of these in the wake of the Protestant Reformation. To carry out their duties, nuncios had to interact with civil authorities and understand the political regimes within which they operated. They had to be familiar with the various state constitutions, whether these took the form of the diets of the imperial estates, the mixed form of government with broad noble participation which characterized the Polish-Lithuanian monarchy, or the institutions of the Dutch Republic. The defense of ecclesiastical jurisdiction and "arranging matters of religion across different peoples and provinces" (to quote from the instructions

36 S. Giordano, "Uomini e apparati della politica internazionale del papato," in M.A. Visceglia (ed.), *Papato e politica internazionale nella prima età moderna* (Rome: 2013), 131–148.

37 K. Jaitner (ed.), *Instruktionen und Relationen für die Nuntien und Legaten an den europäischen Fürstenhöfen von Sixtus v bis Innozenz ix. (1585–1591)* (Freiburg-Basel-Vienna: 2021), 267, 277.

addressed to a nuncio in 1621)[38] depended on their capacity to sway the institutions and political dynamics of the state in which they carried out their task, more than on their ability to convert heretics to the Catholic faith.

Faced with the challenges that presented themselves in Europe, the Curia was forced to acquire a new sensibility and political culture, a process which culminated in a radical innovation in the institution, namely the creation of the Congregation of *Propaganda Fide* in 1622. This new dicastery basically emerged to respond to developments in Europe and *not* beyond Europe; it was established with the nuncios, *not* the missionaries, in mind. During the pontificate of Gregory XV (1621–23), the Papacy experienced a victorious phase in the Thirty Years' War, a juncture which had all the contours of a true historical opportunity for Rome. It was not only a matter of military triumphs on the part of Catholic armies but a political turning point of major significance: for instance, the reattribution of the electoral dignity of the Palatinate to a Catholic prince would allow the pope to control the imperial succession by weakening both the role of unstable Bohemia within the College of Electors and the political weight of the Habsburgs. I believe there is a further element, in addition to those which scholars have already brought to light, to corroborate the thesis that *Propaganda Fide* was born with its eyes trained on Europe (and not on the New World possessions controlled by the Iberian crown):[39] this regards the role that from the beginning was played in the dicastery by a figure of great experience, namely Giovan Battista Agucchi, Gregory XV's trusted secretary, who headed the formal and informal diplomatic networks through which this pope pursued its grand European political strategies.[40]

The impetus behind the establishment of *Propaganda Fide*, then, primarily came from concerns about the multi-denominational Europe in which the nuncios operated. It is worth recalling that nuncios moved within the European space as experts, before returning to the Curia to continue their careers in the cardinalitial congregations and in some cases even becoming popes. If we

38 Instructions of 20 April 1621 drafted by Monsignor Giovan Battista Agucchi on behalf of Cardinal Ludovico Ludovisi, nephew of Gregory XV: Bologna, Biblioteca dell'Archiginnasio, MS. B 47, *Instruttione di Monsignor Agucchia fatta d'ordine del Cardinal Ludovisio nipote di Papa Gregorio XV a Monsignor Vescovo d'Anversa nuntio apostolico destinato da Sua Santità alla Maestà Cesarea di Ferdinando II Imperatore*, fols. 1–20.

39 S. Giordano, "Il mondo di Propaganda Fide nelle istruzioni di Francesco Ingoli (1623–1648)," in G. Braun (ed.), *Diplomatische Wissenskulturen der Frühen Neuzeit* (Berlin-Boston: 2018), 215–234.

40 Agucchi's role in the service of Gregorio XV and the cardinal-nephew is attested by unpublished documents preserved in Bologna, Biblioteca dell'Archiginnasio, MS. B 47, *Scritture di mons. Gio. Battista Agucchi.* On Agucchi's role within *Propaganda Fide*: Pizzorusso, *Propaganda Fide*, *ad indicem*.

bear this fact in mind, we will avoid reducing the operations of the formidable *Propaganda Fide* apparatus to governing the regular clergy, a simplification which sees the dicastery as only aiming to re-Catholicize populations, in line with the "missionary rhetoric."[41]

## 3 The Jurisdiction of *Propaganda Fide*

By taking into account the challenges presented to the Curia by a multi-confessional Europe, we are thus able to better appreciate the actual jurisdiction of *Propaganda Fide* with respect to the Old World. Moreover, this perspective allows us to avoid the temptation of drawing a strict distinction between areas of missionary activity among heretics and others in which the decrees of the Council of Trent could be implemented, with the result that the latter regions are understood as falling outside the jurisdiction of *Propaganda Fide*. Such a differentiation is too abstract in light of the problems that rebounded from Europe to Rome and the complex modes of action which the European confessional geography rendered necessary.[42] In other words, the engine of the Curia was not a vehicle which ran along predetermined, linear tracks.

To clarify this point, I will give an example concerning the Dutch Republic. Fabio Chigi was nuncio to Cologne from 1639 to 1644.[43] From this crucial vantage point, he was in constant contact with the cardinal-nephew Antonio Barberini, with *Propaganda Fide*, and with the Holy Office.[44] By this time, nuncios no longer moved through Europe with the same autonomy they had in the previous century; rather, they related to an interconnetted network of dicasteries and institutions in the Curia. In addition to the manifold problems

41 When I use the term "missionary rhetoric" I am thinking, for example, of the lists of converts with which annually members of the regular orders used to demonstrate to *Propaganda Fide* the successful outcomes of their missions. This was not neutral documentation: those lists of converted heretics were later used in court to attest the consolidated and profitable presence of missionaries in certain countries and to counter those within the Curia who cast doubt on the legitimacy of a specific mission. Therefore, these lists of converts essentially contributed to establish a legal right, as the jurist Giovan Battista De Luca would observe in the course of a judicial dispute: Vatican City, Archive of *Propaganda Fide*, *Scritture riferite nei Congressi,* series I, *Belgio e Olanda*, 1 (1614–1669), fol. 107.

42 See Pizzorusso, *Propaganda Fide*, 209–229.

43 In 1644 Fabio Chigi would be sent to Münster to represent Rome in the negotiations that in 1648 ended the Thirty Years' War and led to a new religious peace in Europe. He was made cardinal in 1652 and went on to become Pope Alexander VII (1655–67).

44 M.T. Börner (ed.), *Nuntiaturberichte aus Deutschland*, 9/1, *Nuntius Fabio Chigi* (*1639 Juni–1644 März*) (Leiden-Boston: 2019): unfortunately, the transcription of the texts into Italian is flawed.

that he had to resolve with the City Senate of Cologne, the archbishop-elector, and the Imperial Chamber Court of Speyer, the nuncio to Cologne had jurisdiction over the "affairs of Holland," that is, over Catholicism in the nearby calvinist Dutch Republic. Here Catholics were a semi-clandestine minority, subject to waves of persecutions and expulsions and the constant target of fines and requests for money by the civil authorities, which they were forced to pay to be able to survive. Yet in spite of these circumstances, the main problems faced by the nuncio and *Propaganda Fide* in the Dutch Republic were not the persecution edicts issued by the "heretical" authorities against Catholics, but the lacerating conflict within the Catholic clergy itself.

This conflict between missionaries and secular clergy would last for decades, giving rise to a general mobilization which in addition to *Propaganda Fide*, the nuncios, and the internuncios involved the Roman tribunals, the other cardinalitial congregations, the procurators, and the superiors of the regular orders, together with their lawyers and counselors at the Holy See (including the great jurist Giovan Battista De Luca, cited above, who operated in defense of the Jesuits).[45] On the one hand, the regulars – Franciscans, Dominicans, Capuchins, Carmelites and especially Jesuits – considered the Dutch Republic as a mission land. In the eyes of their detractors (which sometimes included the nuncios), these missionaries were like groups of termites who moved from mission to mission (from "station to station"), ever feeding on new resources.[46] On the other hand, the Apostolic Vicar of Holland – nominated by *Propaganda Fide* – and his priests represented the local Church, which although lacking jurisdiction and material resources presented itself as the heir of age-old territorial ecclesiastical institutions: on this basis, these figures demanded respect for the Tridentine decrees.[47] Given the context, their claims were certainly

45 The views of De Luca can be found in Vatican City, Archive of *Propaganda Fide*, *Scritture riferite nei Congressi,* series I, *Belgio e Olanda*, vol. 1 (1614–1669). For an initial approach to the extremely rich documentation on the "mission to Holland" in the Archive of *Propaganda Fide*, see Eutimio Sastre Santos, "El Ajuste de la Jurisdicción en el Vicariato apostólico de Holanda (1621–1626). Parte primera. La razón del primer Vicariato apostólico misionero," *Euntes docete*, LXI (2008: 3), 153–78; "Parte segunda. Las diferencias jurisdiccionales entre el vicario apostólico de Holanda y sus misioneros religiosos," *Euntes docete* LXII (2009: 1), 145–182; "Parte tercera. Urbano VIII confirma la concordia entre el Vicario apostólico de Holanda y sus misioneros religiosos," *Euntes docete* LXII (2009: 2), 175–99.

46 The following citation is indicative of the tone of the accusations made against the Jesuits: "*pro libito* [at will] they increase their numbers, occupy places, and then abandon them once they have satiated themselves." (Vatican City, Archive of *Propaganda Fide*, *Scritture riferite nei Congressi,* series I, *Belgio e Olanda*, vol. 1 (1614–1669), fol. 116; for similar accusations, see fol. 127).

47 C.H. Parker, *Faith on the Margins: Catholics and Catholicism in the Dutch Golden Age* (Cambridge: 2008).

illusory (how could one apply these decrees to a clandestine Church?); yet their arguments were certainly *politically* useful against the missionaries.[48] During the same period, the Jesuits were accused of acting in the Low Countries – a dominion of the King of Spain and therefore an area in which the Catholic Church was present in the public sphere with all its institutions and jurisdictions – as if these were mission lands that had never been touched by Catholicism.

The distinction, then, within multi-denominational Europe between mission areas to be evangelized and others juridically open to a possible application of Tridentine decrees was confused in the eyes of the historical actors themselves, and was in fact interpreted according to the interests at stake. As we have seen, in the case of the "mission of Holland," the differentiation was used in the context of the broader conflict between the missionary regular clergy and the secular clergy. Yet such episodes were not peripheral to the Curia: on the contrary, they had a significant impact on the institution itself, influencing the political balances and religious outlook at the top of the Roman Church. In the case of Holland, it is clear that two different ecclesiological visions were at the source of the conflict between the secular and regular clergy: one episcopal, centered on the local clergy and the parish, the other based on the regulars and their transnational networks. The question of whether missionaries could preach and administer the "parish" sacraments (baptism, marriage, and extreme unction) was closely connected to what kind of Church would be established in that area. Not by chance, then, the prerogative of granting these faculties to missionaries became a bone of contention between *Propaganda Fide* and the Holy Office, which claimed the power to exercise this right.[49] What is more, in the case of the "mission of Holland" those enduring conflicts between missionaries and priests would spill over to different levels: the issue would provide fertile ground for anti-Jesuitism and Jansenism, and would have a significant effect on the internal equilibrium of the Roman Curia and on the history of the Church.[50]

48 Parker (*Faith on the Margins*) and Christine Kooi (*Calvinists and Catholics during Holland's Golden Age: Heretics and Idolaters* [Cambridge: 2012]) both argue for the existence of a particular Dutch Tridentinism.

49 Pizzorusso, *Propaganda Fide*, 157–90; C. Santus, "Les papiers des consulteurs: Questions missionnaires et procès de décision au Saint-Office, XVII$^{e}$–XVIII$^{e}$ siècles," *Mélanges de l'École française de Rome – Italie et Méditerranée modernes et contemporaines*, 130:2 (2018), 431–445.

50 On these conflicts, see Parker, *Faith on the Margins*, 35–39. On the connection between anti-Jesuitism and Jansenism, see D.K. Van Kley, *Reform Catholicism and the International Suppression of the Jesuits in Enlightenment Europe* (New Haven, Conn.: 2018).

## 4 Broadening Horizons

I have sought to demonstrate that in reconstructing the outlines of the Roman Curia in the early modern era we cannot limit our view to describing the functioning of the bureaucratic apparatus, the articulation and activities of the dicasteries, and the purely institutional aspects concerning the exercise of power, notwithstanding the importance of these topics. What is crucial is to connect the development of the Curia and the internal articulation of its powers to broader political and religious processes – in this specific case, the rupture of Christian unity and the emergence of multi-denominational public spaces in Europe. By these same criteria, we could expand our vision to include lands beyond Europe and focused on the missionary Church, whose protagonists were the regular orders.[51] From these faraway places, missionaries communicated their doubts and problems to the Curia with regard to sacramental rites, pastoral care, and religious life. Many recent studies have rightly focused on these themes.[52] Yet in this case as well, it is not sufficient to analyze the institutional responses of the Curia, as if these were merely an automatic result of the functioning of the bureaucratic apparatus. To comprehend those responses, we must instead foreground the decisional processes – at times circuitous and conflictual – which led to choose a specific option among those possible. We need, then, to deepen our investigation to bring to light the ecclesiological visions, corporative interests, and different cultures that guided projects – which could be in contrast with one another – as well as the various subjects in the highest ranks of the Curia – individuals, groups, and institutions – which pursued them.[53]

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51 See the reflections of S. Ditchfield, "Decentering the Catholic Reformation: Papacy and Peoples in the Early Modern World," *Archiv für Reformationsgeschichte*, 101:1 (2010), 186–208; S. Ditchfield, "The 'making' of Roman Catholicism as a 'World religion'," in J. Stievermann and R. Zachmann (eds.), *Multiple Modernities?: Confessional cultures and the many legacies of the Reformation Age* (Tubingen: 2018), 189–203.

52 Pizzorusso, *Propaganda Fide*; C. Santus, *Trasgressioni necessarie*. Communicatio in sacris, *coesistenza e conflitti tra le comunità cristiane orientali* (*Levante e Impero Ottomano, XVII–XVIII secolo*) (Rome: 2019); P. Broggio, C. de Castelnau-L'estoile, and G. Pizzorusso (eds.), *Administrer les sacrements en Europe et au Nouveau Monde: la Curie romaine et les* Dubia circa Sacramenta (Rome: 2009).

53 In this regard, see the important reflections of O. Poncet, "La diplomatie de la papauté moderne : un champ historiographique à réinventer?," *Mélanges de l'École française de Rome : Italie et Méditerranée modernes et contemporaines*, 130:1 (2018): 127–134.

CHAPTER 15

# The Congregation of the Council and the Worldwide Provincial Councils, 1564–1622

*Maria Teresa Fattori*

This chapter treats the Congregation of the Council and its prerogatives in relation to the provincial councils that were held following the conclusion of the Council of Trent. The Tridentine Council took place between 13 December 1545 and 4 December 1563; in its final decree, it established that the act of reception should consist in the holding of local councils in every province of the Catholic world. These provincial assemblies were indeed entrusted with promulgating the Tridentine decrees and canons, thus giving substance to the process of control of and local adaptation to the general reforms introduced by the Council fathers. In addition, Trent stipulated that provincial councils be held every three years and diocesan synods every year, thus reconnecting with the medieval canon law's tradition and instilling renewed vigor into the ecclesiastical network by urging bishops to carry out their duties, while at the same time controlling the operations of other church figures. This project was realized only in part, or in any case differently from what had been initially intended by the Council of Trent. Between the end of the Council (1563) and the bull *Immensa aeterni Dei* issued by Sixtus V for the reform of the Curia (1588), a growing number of permanent congregations and tribunals responded to doubts posed by bishops and resolved controversies between different actors. In so doing, they provided interpretations of specific points in the Tridentine decrees, in addition to accumulating information, reports, and correspondence from various parts of the polycentric Catholic world of the early modern era.[1]

This chapter is divided into three parts. The first provides the context and background of the founding of the Congregation of the Council, together with the definition of its prerogatives. The second discusses the procedure for the correction and *recognitio* of the decrees of provincial councils from the first years of the Congregation's operations until 1622, when the *Congregation de Propaganda fide* was established. The third and final part provides several examples of specific doubts which were presented from distinct parts of the world, together with

1 M.T. Fattori, "Per una storia della curia romana dalla riforma sistina, secoli XVI–XVIII," *Cristianesimo nella storia* 35 (2014), 787–848.

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the solutions proffered by the Congregation. The Tridentine decrees became the primary vehicle to impose bureaucratic centralization upon global Catholicism: relations of power and internal equilibria within the Curia greatly influenced whether local decrees would meet with approval and played a key role in shaping relationships between local protagonists.

## 1 The Establishment of the Congregation of the Council

The Congregation of the Council was established in the first months following the conclusion of Trent. Pius IV promulgated the Tridentine decrees in January 1564: the bull *Benedictus Deus* was the result of redactional work which only ended in June 1564, even though it bears the date of 26 January. Paolo Prodi has shown that the bull was the expression of the curial party and an indication of its triumph in guaranteeing the Roman Pope a free hand in interpreting decrees and exempting him from the decisions of the Council of Trent. *Benedictus Deus* also betrayed a certain concept of reform, as it entrusted the pope with the necessary prerogatives to carry out an autonomous process of restructuring the Roman core. It further allowed the pontiff to introduce necessary changes in local churches, in a context in which Catholicism was expanding to the four corners of the globe, as Francesco Ingoli would comment several decades later.[2]

The Tridentine decrees were published together with the prohibition of annotating or glossing the texts, thus granting the monopoly on interpreting Trent to the pope himself, or more precisely to the Curia. In its final weeks, the Council asked the pontiff to confirm the approved decrees and canons, delegating the resolution of future uncertainties (*difficultates*) regarding their interpretation to him. The pope would then issue a more detailed definition of the dictate, thus resolving doubts and putting an end to controversies. The Sacred College of Cardinals gave its approval to *Benedictus Deus*, with 26 cardinals signing the resolution after adding the prohibition against commenting

2 H. Jedin, *Il Concilio di Trento, vol. IV/2: Il terzo periodo e la conclusione. Superamento della crisi per opera di Morone e chiusura* (Brescia: 20103 [1979]) 324–25; S. Feci, "Congregazione del Concilio," in A. Prosperi, V. Lavenia, and J. Tedeschi (eds.), *Dizionario dell'Inquisizione*, 2 vols. (Pisa: 2010); vol. I, 385–386; M. Firpo and G. Maifreda, *L'eretico che salvò la Chiesa: Il cardinale Giovanni Morone e le origini della Controriforma* (Turin: 2019), 642–651; P. Prodi, *Il cardinale Gabriele Paleotti (1522–1597)* (Rome: 1959–1967), vol. I, 167–176 and 193–217, vol. II. 497–525; id., "Note sulla genesi del diritto nella Chiesa post-tridentina," in G. Alberigo et al. (eds.), *Legge e Vangel: Discussione su una legge fondamentale per la chiesa* (Brescia: 1972), 191–223; P. Prodi, *Il Paradigma tridentino: Un'epoca della storia della Chiesa* (Brescia: 2010), 71–92.

and making glosses and *scolia* on the Tridentine decrees and decisions. The normative *corpus* of Trent, then, was placed outside ancient or medieval canon law, remaining isolated and ossified.[3] For example, during the pontificate of Julius III, Spanish provincial councils had published the decrees of the first phase of the Council and interpreted them independently: it was precisely to prevent such autonomous actions that the Papacy banned free interpretation of Trent.[4]

From August 1564 to 1566, a committee of cardinals and experts – composed of Francesco Alciati and the recently appointed cardinals Ugo Boncompagni and Gabriele Paleotti – undertook the project of bringing the Tridentine decrees within the framework of the Decretals. On 2 August 1564, Pius IV announced the foundation of the Congregation of the Council. After that of the Roman Inquisition, instituted in 1542, this was the Curia's second permanent dicastery established to respond to the expansion of Protestant ideas. The Holy Office, however, retained the prerogative of interpreting doctrinal canons and decrees concerning the sacraments.

At first, the new permanent Congregation was entrusted with the execution of the Tridentine decrees – *circa executionem et observantiam concilii*, are the words of the bull – in cases in which laypeople or clerics throughout the world were in doubt about matters regarding their application. Later, the Congregation also resolved uncertainties regarding the curial tribunals. In its first years, the dicastery was made up of the same five cardinals who had contributed to the drafting of *Benedictus Deus* (Giovanni Morone, Ludovico Simoneta, Charles Borromeo, Giovanni Battista Cicala, and Vitellozzo Vitelli) as well as the cardinals Michele Ghislieri (the future Pius V), Clemente Dolera, and Giovanni Michele Saraceni. Seven of its eight members were cardinals inquisitors. In later years, the composition of the Congregation was increased to twenty cardinals; when it began operating through subcommittees responsible for specific areas of activity, its numbers were enlarged further. Yet its members were always cardinals who had legal expertise, possessing a degree in either canon law and/or canon and civil law. In addition, certain figures in the dicastery had been residential bishops, had had experience as legates at European courts, had participated in the Tridentine Council, or had been active in the ordinary nunciatures. Together with the Holy Office, the Congregation

3 A. Dupront, "Le concile de Trent," in B. Botte et al. (eds.), *Il Concilio e i concili: Contributo alla storia dalla vita conciliare della Chiesa* (Cinisello Balsamo: 1962), 195–244: 234–236.

4 G. Wassilowsky., "Posttridentinische Reform und päpstliche Zentralisierung; Zur Rolle der Konzilskongregation," in A. Merkt, G. Wassilowsky, and G. Wurst (eds.), *Reformen in der Kirche: Historische Perspektiven* (Freiburg im Breisgau-Basel: 2014), 138–157: 141–144.

of the Council became the model for curial congregations established as permanent bodies, both before and after Sixtus V's reform.[5]

Pius V, who succeeded Pius IV, issued the constitution *Alias nonnullas*, which established that the Congregation of the Council would be responsible not only for the execution but also the interpretation of the disciplinary decrees. This decision was made in response to certain doubts that had arisen regarding the prohibition of glossing the Tridentine decrees. The requests that reached Rome from the entire Christian world played a significant role in developing the functions of the Congregation – and of the Curia in general – such that it became the central organ for the resolution of controversies. In addition to clarifying uncertainties, the Congregation also came to act as the court of appeal when disputes or legal quarrels surfaced in local churches. It was indeed normal praxis that no distinction was made between administrative responsibilities and judicial prerogatives: such was also the case of all the central tribunals of Rome. In this regard, the Congregation of the Council was no exception.[6]

In the context of a growing Catholic universe, it is interesting to note that it was the volume of *dubia* sent to Rome from local churches that fueled the process of extending the tasks of the centralized system of control. Increasingly, the Congregation found itself involved in the broader and more complex field of interpreting the Tridentine decrees, in addition to merely applying them. This expansion of the Congregation's responsibilities was the result of the policy of prohibiting interpretive glosses when new editions of the Tridentine decrees were issued. Pius V established the dicastery's legal powers when he granted its

5 The instructions, answers to doubts, and faculties granted to the Congregation of the Council are contained, in manuscript form, in Archivio Apostolico Vaticano (hereinafter AAV), Concilio [di Trento] (old denomination Arm. LXII–LXIII), vol. 104; for the draft project planned for transposing the Tridentine decrees into the canonistic scheme (contained in AAV, vol. 104, fols. 73–77), see Prodi, "Note", 219–221.

6 See the following contributions to the volume *La Sacra Congregazione del Concilio: Quarto Centenario dalla Fondazione (1564–1964). Studi e ricerche* (Città del Vaticano: 1964); F. Romita, "Le origini della congregazione del concilio di Trento," 13–50; id., "Lo 'Studio della Sacra Congregazione del Concilio' e gli 'Studi' della Curia romana," 633–677; S. Tromp, "De cardinalibus interpretibus S. Concilii Tridentini, annis 1564–1600," 251–263; and Palazzini P., "Prospero Fagnani, segretario della Sacra Congregazione del Concilio e i suoi editi e inediti," 361–382. For the correct order of the Congregation's prefects (Giovanni Morone from 2 August 1564 to 23 March 1575; Francesco Alciati until 23 April 1580, Antonio Carafa until 13 January 1591), see id., "La controriforma, l'origine e la funzione della S. Congregazione del Concilio," in *Eremiti e pastori della riforma cattolica nell'Italia del '500. Atti del VII convegno del centro di studi avellaniti* (Fonte Avellana: 1984), 5–18: 11. On the force of the Congregation's *responsa*, see A. Gomez de Ayala, "La Commissione per l'interpretazione autentica del Codex iuris canonici e il canone 17," in *Il diritto ecclesiastico* 4.1 (1960), 462–580: 500–507.

members the prerogative of making their decisions *authentice* – in an "authentic" manner. At the same time, while cardinals were able to decide ordinary cases independently, they could not rule on questions of greater importance that required the presence of the pope. This distinction was already in effect in the decision-making processes of the Holy Office: the final deliberations of the Inquisition were approved by the pope, who presided over the meeting of that congregation one day a week. In the case of the Congregation of the Council, the presence of the pope was less regular. The Congregation became a court of appeal for cases that involved bishops or for disputes between the latter and metropolitans. It was an ordinary court, although it could also act as a supreme tribunal to annul verdicts given by inferior ones, namely those of the metropolitans. Finally, it also functioned as an administrative court. The faculty of *decisio authentica*, confirmed by Sixtus V, meant that the decisions of the Congregation became part of the papal magisterium.[7] This was not only a prerogative of the Congregation of the Council but was shared cumulatively (*cumulative*) with that of the Bishops and Regulars, established later, in 1572.

The legal value of the decisions of the Congregation of the Council was widely discussed by jurists. These decisions had the force of law for the parties involved in the resolved case; gradually and over time, the dicastery's declarations, decrees, and responses also became binding, thus granting the Congregation the faculty to decide cases and produce general regulations with juridical value, even when these were not promulgated and published. As with the decrees of the Council of Trent, the various resolutions made by the Congregation could not be published, at least until the issue of the *Thesaurus resolutionum* by the eminent secretary of the Congregation, Cardinal Prospero Lambertini, the future Benedict XIV. Beginning in 1739, the *Thesaurus* published the dicastery's verdicts and resolutions.[8] As a tribunal, the Congregation of the Council administered justice with its *declarationes*, sharing the same prerogatives of infallibility with the pontiff (Fig. 15.1). In 1591, in fact, Gregory XIV expanded the Congregation's jurisdiction, granting it the faculty of judging cases on the Tridentine disciplinary decrees and promulgating decrees in the pope's name, without territorial limits and with universal authority. Specifically, the Congregation of the Council could pass acts with different juridical values: *declarationes* were interpretive

7 The prerogatives of the Congregation were decided by Pius IV, *Alias nonnullas*, 2 August 1564, no. 81 or 88, Biblioteca Universitaria di Bologna (hereinafter BUB), Ms. 509/1 pars, "Adnotationes et Decisiones in Concilium Tridentinum […]." In the same document, the pope declared that the Congregation was free from the *prohibitio* of the *Benedictus Deus*: fols. 18r–v.

8 *Thesaurus resolutionum sacræ congregationis concilii* (Urbini: 1739).

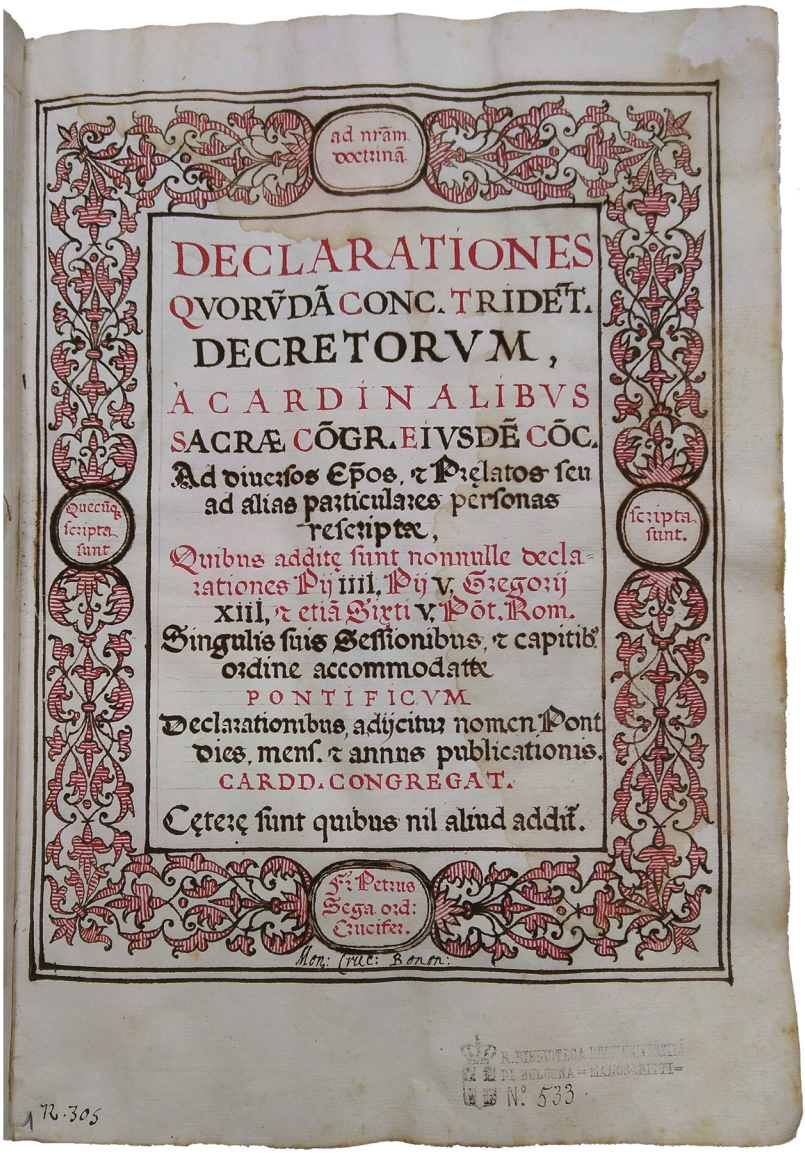


FIGURE 15.1 Biblioteca Universitaria di Bologna, Ms. 533, fol. 1r, "Declarationes quorundam Conc. Tridentini Decretorum a Cardinalibus Sacrae Congregationis – Ex libri Memorialium et Decretorum S. Congregatinis Concilii Tridentini Excerpta." The manuscript belongs to the private collection of Benedict XIV. It was donated together with his personal archive to the library of the Istituto delle scienze di Bologna, now the Biblioteca universitaria di Bologna.

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acts on particular points of canon law already in force, while *resolutiones* and *decisiones* responded to or issued a verdict in particular instances and legal cases. Only *decreta* had the force of new laws.[9]

If we turn our attention from the Congregation of the Council to the Roman Curia, we find that the 24-year period between January 1564 and January 1588 was a crucial one not only with regard to the application of the Tridentine decrees but also to the development of canon law and ecclesiastical institutions. The curial system of reciprocal controls and balances of power affected the superintendence of the production of local norms as well, which were brought into line with that of the Curia, increasingly conceived as a governing institution made up of a layered system of organs. More congregations responded to the doubts of bishops and other local figures, issuing responses to specific questions, and receiving reports. The Council of Trent provided several opportunities to multiply the dicasteries involved in the application and reception of specific points: these included the Congregation of the Index, established in 1571, and that of the Bishops, instituted in 1572 and then merged with the Congregation of the Regulars in 1586. The program of reorganization carried out by Sixtus V represented an administrative and global restructuring of the Roman Curia, without, however, seeking to relaunch the previous project of curial reform demanded by both Catholic sovereigns and the Council fathers.[10] Sixtus V confirmed the various rights held by the ancient tribunals of the Curia and by the new congregations that also wielded judicial power; he further upheld the overlapping of the prerogatives of the temporal and spiritual spheres, of organs with both administrative and judicial powers, of civil and penal systems, and jurisdiction over internal and external forums. The congregations of the Council, the Inquisition, and the Bishops, for example, each had jurisdiction over matters regarding the sacraments, while the Roman Rota was also able to decide cases involving matrimony. Between the pontificates of Sixtus V (1585–90) and Clement VIII (1592–1605), the collegial government of

9 Gregory XIV, *Ut securitati*, 22 February 1591, Bullarium Romanorum Pontificum, t. V/1 (Rome:1751) 251–252. See also G.I. Varsányi, "De competentia et procedura Sacrae Congregationis Concilii ab origine ad haec usque nostra tempora," *La Sacra Congregazione*, 51–161: 90.

10 Del Re N., *La curia romana. Lineamenti storico-giuridici*, 4th ed. (Vatican City: 1998), *Introduzione*, 29–48, and 502–3; Sixtus V, *Romanus Pontifex*, 17 May 1586, and *Immensa aeterni Dei*, 22 January 1588. See the 1566 printed edition of the Council of Trent, BUB, Ms. 1092, "Notae in Concilium Tridentinum," with the manuscript annotation of the *Canones et Decreta* (Lugduni, apud Guliel. Rovillium, MDLXVI) ascribed to Cardinal A. Caprara. On the origin of the Congregation of the Bishops, see P. Prodi, "Charles Borromée, archevêque de Milan et la papauté," *Revue d'Histoire Ecclésiastique* 62:2 (1967), 379–411: 406–408.

the consistory of cardinals fell into disuse and was gradually replaced by the congregations, in which cardinals had individual – and no longer corporative – influence.[11] This process would conclude with the identification of the Holy See with the sum of the papal *personae* and the curial congregations – the pope and the Curia.[12] While the Curia grew as an organ composed of various parts, which overlapped and intersected with one another on questions pertaining to the application and reception of the Tridentine decrees, the jurisdiction of the Congregation of the Council became a subject of debate.

## 2 The Provincial Councils and the Congregation of the Council: the Roman *Recognitio*

Within a year after the conclusion of the Council of Trent, each of the metropolitans of the 108 ecclesiastical provinces in existence in 1564 was expected to hold a provincial council to receive the Tridentine decrees. As early as that year, 17 of the ecclesiastical provinces no longer had relations with Rome (such as those in the kingdoms of England, Sweden, and Norway), while others were under the control of the Ottoman Empire, where bishops found it difficult, if not impossible, to travel and assemble. In any case, about 27 Church jurisdictions would not hold a council over the next three centuries. Furthermore, during the third phase of the Council of Trent – which saw the greatest participation – only 250 bishops were present, representing less than a third of the provinces of the Catholic Church. Indeed, no delegates arrived from the dioceses and ecclesiastical regions of America, under the dominion of the Spanish and Portuguese crowns.[13]

It was precisely the provinces subject to the King of Spain which were the source of the new procedure of *recognitio*. In 1564–65, several metropolitans summoned the first councils in lands of the Iberian and Italian peninsulas ruled by Philip II: the bishops of the provinces of Toledo, Salamanca, Granada, and Valencia in fact adopted uniform policies. Philip II himself ordered the

11 A.M. Stickler, "Le riforme della Curia nella storia della Chiesa," in P.A. Bonnet and C. Gullo (eds.), *La curia romana nella cost. ap. 'Pastor bonus'* (Vatican City: 1990), 1–16; G. Alberigo, *Cardinalato e collegialità; Studi sull'ecclesiologia tra l'XI e il XIV secolo* (Florence: 1969); M.T. Fattori, Cle*mente VIII e il Sacro Collegio, 1592–1605: Meccanismi istituzionali ed accentramento di governo* (Stuttgart: 2004).

12 See P. Prodi, "Plures in papa considerantur personae distinctae: Zur Entwicklung des Papstum in der Neuzeit," in G. Wassilowsky and H. Wolf (eds.), *Werte und Symbole im frühneuzeitlichen Rom* (Münster: 2005), 21–36.

13 See M.T. Fattori, "Districts, Metropolitans and Ecclesiastical Territories: Geo-local Aspects of Ecclesiastical Territorial Evolution," *Zeitschrift für Kirchengeschichte* 132 (2021–22), 1–43.

assemblies, thereby lending force to the Tridentine decisions; yet he introduced an element that would become a source of trouble: the king directed that each council be attended by a royal representative, who would sit among the synodal members and sign the provincial decrees together with the bishops. It is in this series of events that we should identify the origin of the *recognitio*. In Italy, meanwhile, in 1565 Cardinal Charles Borromeo asked the pope – who was also his uncle – to confirm the final decisions of the first council held in the vast ecclesiastical province of Milan. By this means, the cardinal sought to reinforce the juridical standing of the first provincial assembly that he presided over.[14]

What, then, was the act of *recognitio*? In essence, it was a correction associated with an act of promulgation. Granting approval to decrees by means of the *recognitio* only became obligatory under Sixtus V in 1586; the procedure was reiterated by the bull *Immensa aeterni patris* two years later. For their part, provincial councils issued decrees whose validity was limited to the members of a particular ecclesiastical province and did not require papal promulgation; indeed, bishops, together with their metropolitans, enacted them upon their own authority. The councils, then, possessed their own prerogatives, which were guaranteed by canon law and the Council of Trent. Acts of *recognitio* were therefore applied to decrees which already had normative status, creating a contradiction which was immediately perceived. Although corrections from Rome had to be accepted and included in the decrees before publication, *recognitio* was not a true act of promulgation. Furthermore, Rome's approval could not confer universal validity upon provincial decrees.

The first councils convened in Spain, France and Milan provided Pius IV with the impetus to institute the act of *recognitio*. The Congregation carried out the first reviews, adopting a non-standard procedure for approval. The first trial of this process was made in 1564 for the French council of Reims. Overall, at least 80 acts of *recognitio* are documented for as many provincial councils up to 1817. The proceedings of another 35 councils held in provinces of the Catholic world were known to the Congregation, although in these cases acts of *recognitio* are not present in the archives of the Roman dicastery.[15]

14 See P. Caiazza, *Tra Stato e Papato: Concili provinciali post-tridentini* (*1564–1648*) (Rome: 1992), 9–49 and 127–132; J.L. Tellechea Idigoras, "Filippo II e il concilio di Trento," in H. Jedin and P. Prodi (eds.), *Il concilio di Trento come crocevia della politica europea* (Bologna: 1979), 109–135: 127–132; G. Alberigo, "Carlo Borromeo e il suo modello di vescovo," in *Atti del convegno internazionale nel IV centenario della morte* (*Milano, 21–26 maggio 1984*), vol. I (Rome: 1986), 181–208: 202–8; Prodi, "Charles Borromée," 396–397.

15 Data presented in this section were collected in the research project "Provincial Councils in Polycentric Catholicism, 1517–1817" for the Humboldt University of Berlin, funded by the Deutsche Forschung Gemeinschaft. The results of this research are now in the

Especially in its first decades, the Congregation of the Council worked intensively. This first period of its operations can be subdivided into three phases:

a) From 1564 to 1572, the year Pius V died, the work of controlling and reviewing councils was not carried out systematically, but only when it became necessary. Above all, appeals made against the decisions of local councils forced the cardinals of the Congregation to take action. In such cases, the petitioners, or perhaps the metropolitans themselves, sent the decrees to be reviewed to the dicastery, asking for support from Rome in resolving disagreements and disputes which had arisen within the dioceses or provinces. The periphery, then, solicited the involvement of the Roman core with regard to the provincial councils when conflicts emerged, in the hope that the Congregation would side with the petitioners and decide the case in their favor.

b) From 1573 to 1585, the Congregation examined the proceedings of an increasing number of councils. On 14 July 1573, it declared that no such reports could be published *inconsulto Romano Pontifice*, that is, without the act of *recognitio*.[16] During the 1570s, the Congregation urged metropolitans to hold councils, focusing in particular on archbishops in the Papal States, the Kingdom of France, and the provinces of the Viceroyalty of Naples, which were under the dominion of the King of Spain. This encouragement produced some results: indeed, the archbishops of Avignon (a pontifical enclave in France), Santa Severina, Reggio Calabria, Cagliari, Capua, Cosenza, and Naples all summoned councils.

In this phase as well, an active role was played not only by the Roman core but also by important archbishops operating in their dioceses. Charles Borromeo, for example, left Milan for Rome to negotiate approval of his fourth council. He conducted talks personally with Pope Gregory XIII and achieved a completely successful outcome.

c) In 1585, Sixtus V introduced a new obligation for bishops throughout the world, namely that they were required to submit a *relatio ad limina*, whether in

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Collectanea Archivi Vaticani, as a monograph "Councils, Rome and Political Powers in Polycentric Catholicism 1517–1817" (Città del Vaticano 2024). Between 1564 and 1817, the chronological endpoint of this study, the Congregation of the Council made corrections to the decrees of roughly 38% of all councils, having been informed of the existence of 54% of provincial councils worldwide (see Table 15.1). In absolute terms, 210 provincial councils were held between 1564 and 1817 (281 between 1517 and 1817); 48 acts of *recognitio* are preserved in the archives of the Congregation in the AAV.

16 Lucius Ferraris, *Prompta Bibliotheca canonica, juridica, moralis, theologica*, vol. II BL–C (Venetiis, apud G. Storti: 1782), sub voce *Concilium provincialem*, 188–191. See also A.Turchini, "Milano e la provincia ecclesiastica da Carlo a Federico Borromeo," in P Pissavino and G. Signorotto (eds.), *Lombardia borromaica, Lombardia spagnola, 1554–1659*, vol. II (Rome: 1995), 811–843.

person or through a delegate: the *relatio* was a report addressed to the pope – though it was actually scrutinized by the Congregation of the Council – on the patrimonial and pastoral state of the diocese. At the same time, the pope also upheld the obligation that the decrees and acts of local councils be sent to Rome, a process intermediated by papal nuncios. From 1586, the Congregation of the Council was placed under the guidance of a president, Cardinal Antonio Carafa, who remained in this position until his death on 13 January 1591.[17]

The Congregation's work of reviewing local decrees culminated in the 1580s, when the ecclesiastical provinces of Toledo, Mexico City, and Lima each presented the proceedings of their third councils: this was the first time that decrees of councils summoned by Spanish archbishops in the New World reached Rome to be reviewed. In the case of the third council of Toledo, for the first time the Spanish king Philip II accepted the Roman procedure of *recognitio* without opposition, perhaps in the hope of gaining papal support in the war against the kingdom of England.[18] The wars of religion in France likewise facilitated acceptance of the *recognitio*, albeit with some differences. The Congregation reviewed the decrees of the councils of Rouen of 1581, of Bordeaux in 1583, and of Embrun, Reims and Tours, Bourges, Aix-en-Provence, and Bordeaux (again) between 1583 and 1585. From 1585, the number of councils decreased significantly, both in provinces that had long been Christian and in lands of more recent evangelization; acts of revision by Rome decreased proportionately.

Beyond the general tendency of summoning fewer councils, other changes affecting the Congregation were taking place: on the one hand, some metropolitans decided not to send their decrees to Rome; on the other, the Congregation was by now able to exert its influence by means of various instruments, such as its faculty to revise provincial decrees and reports on the state of the dioceses and its ability to verify the obligation of residence.[19] In this context, we should note that the degree to which the requirement to submit provincial decrees was observed or disregarded can be seen as a barometer of international tensions between bishops, Rome, and royal powers. Furthermore, following the establishment of *Propaganda fide*, the Congregation of the Council was rarely consulted to review the proceedings of councils held by bishops throughout

17 G. Papa, *Il cardinale Antonio Carafa prefetto della S. Congregazione del Concilio*, in *La Sacra Congregazione*, 309–338: 333.

18 L. Martínez Ferrer, "La recognitio de la Sagrada Congregación del Concilio a los concilios provinciales americanos (siglos XVI)," *Cristianesimo nella storia* 43.3 (2022), 783–817.

19 C. Wiesner, *Tridentinisches Papsttum und Trienter Residenzpflicht. Römische Konzilsrezeption zwischen Kurienzentralismus und Seelsorgsreform (1563–1680)* (Stuttgart: 2022), 213–440.

the world. During this last, long phase, most council proceedings examined by the Congregation came from ecclesiastical provinces in eastern and western Europe. The council summoned by the Armenian-Catholic bishopric in Leopolis (Lviv) in 1689 and that called in Naples in 1699 were the last two provincial assemblies to submit decrees for review by the dicastery.

The work of the Congregation fell into four main groups of tasks. To begin with, it reviewed all documents and acts produced by the councils, and not only decrees: indeed, metropolitans were requested to send the entirety of the proceedings of their assemblies. Secondly, as the quality of the Latin in submitted decrees had to meet a standard level, the cardinal members made grammatical corrections as well. Thirdly, in addition to granting approval for local implementation of provincial decisions, the Congregation sought to ensure that the decrees of provincial councils were promulgated by the bishops themselves and not by means of permission given by sovereigns to publish them; in fact, when a royal representative was present at a local assembly, the cardinals deleted his name from the list of signatories. Finally, as corrections entailed references to the papal constitutions which regulated the points of the Tridentine decrees to which the provincial documents alluded, the dicastery included precise mentions of these constitutions in its comments; a channel of communication with bishops was thus opened. Such supplementation is evident in the case of the revised decrees of the French council of Bourges of 1584, which include references to the constitutions of Pius IV, Pius V, and Gregory XIII added by the Congregation.

With regard to content, revisions mitigated local systems of punishments, imposing more lenient penalties and overruling cases in which the verdict of excommunication was reached. Provincial councils could in fact not make decisions that went against the letter of the Tridentine decrees or what was established by common law; a local system of punishments could not be more rigorous or severe.[20] Exceptions were rarely made: the Congregation examined such requests carefully and only gave its approval in particular circumstances, as in the case of the petition from the third council of Lima, presented by Alfonso Toribio de Mogrovejo. Initially, Rome's *recognitio* was an act issued in response to local and international situations; yet under the leadership of

20 Benedict XIV, *De Synodo dioecesana. Libri tredecim* (Romae, Generoso Salomoni: 1755), book XIII, ch. 3, nr. 3. Proceedings of provincial councils were presented to the Congregation "ut corrigantur, si quid fortasse in iisdem aut nimis rigidum, aut minus ratione congruum deprehendatur", to correct some aspects of the decrees if there were aspects that might be too rigid, or less consistent in relation with the context: M.T. Fattori, *Benedetto XIV e Trento: Tradurre il concilio nel Settecento* (Stuttgart: 2015), 120–122.

Cardinal Carafa it became a standard procedure, without, for example, treating French and Spanish councils differently. Although political and geographical considerations could at times influence its behavior, the Congregation mostly adopted consistent correction measures.

## 3 Doubts, Decisions, and Declarations Concerning the Second Chapter of the *de reformatione* Decree of the 24th Session of the Council of Trent

Granting the *recognitio* was neither the only nor the most important task which the Congregation carried out with regard to provincial councils. The cardinals were also asked to give their opinions on various questions connected to the councils and on many other points of the Tridentine decrees. Such doubts could be expressed by metropolitans, bishops, or cathedral chapters, sometimes in anticipation of councils which metropolitans intended to summon, at others in the wake of concluded councils; in other cases, again, doubts and questions were sent in lieu of holding a council. The main points of these communications can be classified under eight headings: first, doubts, conflicts and judicial cases which arose in relation to rights and duties to convene councils; second, disagreements about the presidency, direction, and adjournment of assemblies; third, questions as to which members could be lawfully summoned; fourth, issues of protocol in the council, including questions of precedence in ceremonies; fifth, uncertainties as to which bishops were exempt from calling provincial councils; sixth, doubts regarding the frequency and regularity of assemblies; seventh, questions regarding the objectives that should and could be attained in a council and which topics could be treated in them; and finally, though by no means least important, queries about which organ was appointed to resolve the broad range of conflicts that emerged from the councils. These eight headings regard all the most delicate and complex questions of the reception of the Tridentine decrees on the part of provincial councils. Here we will examine only several points from among those we have listed.

1. Metropolitans were responsible for summoning and adjourning councils and for determining their locations. In case a metropolitan was not able to or neglected to call a council, the task was to be carried out by the most senior bishop of the province, in order of episcopal consecration. In 1573, in resolving specific doubts, the Congregation stipulated that negligence could be punished by suspending the metropolitan from his office. Such a measure was consistent with the penalties envisioned by the Tridentine decrees, which were taken unaltered from prior legislation, namely the Fourth Council

of the Lateran, which based its system of punishments on previous canon law. According to *Commentaria*, the comprehensive work by the eminent seventeenth-century secretary of the dicastery Prospero Fagnano, the opinion of the Congregation on this question was established in the first decades after the Council of Trent.[21]

As head of the provincial council, the metropolitan had the prerogative of deciding the agenda and insisting on order during its sessions, as well as the right to remove any members who disturbed the progress of the work. Yet all questions regarding the decision-making process and the handling of disruptions and conflicts could be decided by the cleric presiding over the assembly, acting upon the advice and consent of the auxiliary bishops. In 1586, the Congregation issued its resolutions of the initial doubts raised on these points by the Spanish archbishop of Lima, Alfonso Toribio de Mogrovejo, on the occasion of the third council of Lima in 1586: these would function as future guidelines for similar uncertainties regarding these matters.

Doubts concerning what constituted a majority to make decisions, meanwhile, were resolved following the council of Lisbon, during which all the bishops opposed the metropolitan: the Congregation established that the vote of the metropolitan counted for no more than that of the other single members and that provincial councils needed only a simple majority of eligible voting members to pass a resolution.[22]

2. To be a member of a council was an honor, a duty, a right, and sometimes also a problem. Legitimate participation in a council was a question open to interpretation, as was the related matter of who had the right to vote in the assembly. The second chapter of the 24th session (*de reformatione*) spoke generically of "all the bishops and others, who, by right or custom, ought to be present,"[23] without excluding clerics who were not resident bishops. Local customs dictated the presence of a variety of different prelates. Gradually and

21 The penalty established by Lateran IV and confirmed by the Tridentine Council is given in P. Fagnano, *Commentaria in primum librum decretalium. Cum disceptatione de grangiis quae in aliis editionibus desiderabatur; ac ipso textu suis loci apte disposito* (Venetiis, ex Typographia Balleoniana: 1796) titulus V, *De accusationibus, cap. XXV Sicut olim*, p. 28, nr. 106 and nr. 107–109. On Fagnani, see D. Quaglioni, "Fagnani Boni, Prospero," *Dizionario Biografico degli Italiani* vol. 44 (Rome: 1994), 187–189.

22 AAV, Congr. Concilio, Positiones, vol. 103, fols. 84r–101v. The eleven doubts presented by the Archbishop of Lima are contained in AAV, Congr. Concilio, Lib. Decret. vol. 4, fols. 112r–115r, while the solutions appear in AAV, Congr. Concilio, Libr. Litter., vol. VI, fols. 98r–v, letter nr. 313.

23 [...] *episcopi omnes et alii, qui de iure vel consuetudine interesse debent* [...], canon II, session XXIV, de reformatione, in *Conciliorum oecumenicorum generaliumque decreta. Editio critica*, vol. III: *The General Councils of the Roman Catholic Church. From Trent to Vatican II* (*1545–1965*), curantibus Klaus Ganzer ... [et al.], Turnhout, Brepols, 2010, 133.

over time, however, the decisions of the Congregation distinguished between members whose attendance was obligatory and those who might be invited but did not have the right to vote. Furthermore, all participants had to be assigned their appropriate seats in the sessions and to take their due places in processions and in the assembly, as the Congregation of the Council ruled with regard to the Polish province of Gniezno in 1653.[24]

When the Congregation was asked to resolve problems concerning customs and practices of local churches, it had to consider these in light of the contents of the Tridentine decrees. Bishops, for example, who were nominated but not yet consecrated could cast votes, as could exempt bishops who had chosen a metropolitan for the conciliar assembly. Furthermore, suffragan bishops were not the only members with legitimate voting rights at assemblies in their capacity as *conjudices* and *coepiscopi*: from the dossiers of the Congregation, many other figures emerge who are more or less forgotten today – exempt bishops, members of chapters of collegiate churches, abbots *nullius dioecesis*, prelates with quasi-episcopal jurisdiction, and cathedral chapter canons of various ranks. All these clerics – whose variety indeed illustrates the complexity of the Church during the *ancien régime* – together with laypeople, could be invited to councils, take part in the proceedings, and express their opinions. The possibility of inviting deacons and chapters of collegiate churches was, for example, taken into consideration by the councils of Malines in 1574 and Salerno in 1596: in these cases, the Congregation decided that these figures did not have the right to vote.[25]

3. In many ways, exempt bishops presented a problem, both when they attended a council and when they chose, or avoided choosing, a provincial assembly in which to participate. A variety of questions were posed in this regard: first of all, what to do if exempt bishops did not choose a province to take part in a council; secondly, what to do if an exempt bishop wanted to change his mind after having been present at a council of the originally chosen province; and finally, which authority was responsible for punishing bishops in case of disobedience or neglect – the provincial council, the tribunal of the metropolitan, or the Holy See? The Congregation resolved the last of these questions in the case of Charles Borromeo in 1573–74, when it confirmed the right of the metropolitan to punish an exempt bishop if the latter failed to attend the council of the province he had chosen, unless his absence

24 AAV, Congr. Concilio, Lib. Decret., vol. 19, fol. 286v, 15 November 1653.

25 Fagnano, *Commentaria*, 217–220; Benedict XIV, *De Synodo*, book 1, ch. 6, nr. 4, 25–26.

was justified.[26] The dicastery issued its decisions on the two other points in January 1576 and 1587, resolving, respectively, that bishops could not reverse their original choices and that the Holy See had the prerogative of punishing an absent bishop.[27]

4. These cases illustrate that the Congregation of the Council aimed to interpret the Tridentine decrees and define all exemptions and exceptions. It is an established fact that the Tridentine project of implementing reforms at the local level through the system of synods was not realized in any part of the Catholic world, neither in those dioceses with a long history of Christianity, nor in the New World, much less in the border areas of Europe, where communities adhered to various forms of Christian beliefs with different rites. The crucial point in this regard was the regularity and frequency of the local councils.

Between the Fourth Council of the Lateran and the Council of Constance, Latin canon law became progressively less strict on the question of both the regularity and frequency of provincial assemblies. General councils and pontifical constitutions reduced the tasks entrusted to local councils, betraying diminished faith in the conciliar path. The constitution of Martin V, for example, assigned provincial councils the responsibility of upholding and strengthening ecclesiastical disciplinary reform and ordered metropolitans to summon them every three years (13 April 1425). This measure reduced the frequency of the assemblies with respect to Lateran IV, which had stipulated that they be held annually. Penalties for negligent bishops were clearly indicated in the pontifical constitution, including loss of income in the case of failure to summon a synod every year and the papal prerogative of issuing a sentence of excommunication for delays of two years. Lateran V confirmed the obligatory three-year frequency for provincial councils, which was reiterated by the Council of Trent.[28]

The pyramidal structure envisioned by Trent was based on a variety of official occasions, including pastoral visits, diocesan synods, and provincial and national councils. The election of examiners and synodal judges took place at synods, yet the approval of the assembly was replaced by the consent given by cathedral chapters.[29] After decades of rigid, literal application of the Tridentine

26 AAV, Congr. Concilio, Lib. Decret., vol. I, fol. 94v, "Mediolanen" and fol. 100r; BUB, Ms. 537, vol. I, fol. 246v.

27 AAV, Congr. Concilio, Positiones, vol. 103, fols. 138r and 193r, and vol. 5, fols. 409r–415v.

28 See S.C. Bonicelli, *I concili particolari da Graziano al Concilio di Trento: Studio sulla evoluzione del diritto della Chiesa latina* (Brescia: 1971), 97–100.

29 M.T. Fattori, "'In Synodo, extra Synodum'. Limiti del consenso in età tridentina," in P. Hünermann and G. Ruggieri (eds.), *I sinodi. Organi di governo e/o luogo di formazione del consenso nella Chiesa?, Cristianesimo nella storia* 32.3 (2011), 1105–1135.

decrees, the Congregation accepted those petitions with increasing regularity, granting the faculty of making the requested nomination. Regarding the overall hierarchical structure of the synods, the Congregation gradually permitted provincial churches to disregard or decline acceptance of the Tridentine decrees: the institution created to interpret the Council took on the role of allowing exceptions to the observation of the letter of Trent. On a variety of occasions, bishops and archbishops asked permission to nominate examiners from outside the synods, and the Congregation also accepted the impossibility of holding synods. For local councils, difficulties were posed, among other factors, by the geographical extension of the province: those which were too small had a limited number of bishops, while those which were too large encountered other obstacles. The archdiocese of Lima obtained permission (from 1 October 1571) to summon councils every six years, and seven years later the Congregation authorized the archbishop of Gniezno to hold his synods biannually (8 April 1578). While the archbishop of Lima faced the problem of the vast size of his province, his counterpart in Gniezno motivated his petition by listing the various causes of the conflict that had emerged in his jurisdiction, such as the choice of a metropolitan made by exempt bishops and members of cathedral chapters who were traditionally invited to Polish councils. In his capacity as archbishop of Lima, Toribio de Mogrovejo made a second request to postpone the council of 1582. On 12 July 1584, Gregory XIII accepted the petition, given that the seven suffragan bishops resided between 900 and 1,000 miles (about 1609.34 km) from the metropolitan, which rendered commuting to the provincial council problematic. Indeed, Toribio asked permission "to hold the synod when he deemed it necessary and not to be obliged to observe the Council unless circumstances require it."[30]

The Congregation recognized that the difficulty of negotiating the frequency of councils and synods represented a permanent problem. Between 1581 and January 1582, it acknowledged that respecting the three-year obligation was an enduring concern, not only in the Viceroyalty of Peru but also in other parts of the Catholic world. At the beginning of the seventeenth century, several archbishops were of the same opinion, sharing the worries of their colleague in Lima. In the name of the metropolitan of Goa, the king of Spain (here in his capacity as king of Portugal, as the two crowns would be united until 1640) presented a petition to hold provincial councils every ten years. A similar request was made by the archbishop in 1602, when it was granted, and again in the first months of 1607, when it was rejected twice. While the Congregation

30 AAV, Congr. Concilio, Libr. Litter., vol. I, fols. 428v–429r; BUB, Ms. 509, vol. I, fols. 191r–194r, nr. 19; Caiazza, *Tra stato e papato*, 117–118.

considered the pardon granted by Gregory XIII to Spanish-American dioceses in 1584 as an exception, the Spanish monarch saw it as a precedent. Faced with the challenge of establishing a difficult balance between the three-year rule and the obligation of bishops to reside in their dioceses, in November 1607 the Congregation accepted the petition and granted permission to the metropolitan of Goa to summon the council at his discretion.[31]

5. Tensions within local churches should be viewed as one of the main causes of the reduction of the number of provincial councils. The great quantity of conflicts that the Congregation was called upon to catalog and resolve reflects the complexity of the post-Tridentine Church. One element in particular seems to have fueled these difficulties, namely the presence of vast areas outside of metropolitan control in lands where Christianity was long established, such as bishops immediately subject to Rome and prelates with quasi-episcopal jurisdiction. Bishops and metropolitans found it difficult to overcome the resistance of these clerics. A second factor generating the conflicts originated in the relations between suffragans and metropolitans, which were frequently problematic, above all when the latter sought to exercise control over and the right to reprimand the former.[32] Uncertainties regarding the management of conflicts were expressed by clerics throughout the world, yet in some areas, such as southern Italy and the province of Catalonia, these problems arose more frequently than in others.

## 4 Conclusions

The Congregation of the Council was able to retain control over the complex processes of disseminating the conclusions of the Tridentine Council, differentiating its approaches according to the many and varied issues raised by Trent. At the same time, it attempted to accommodate the traditional demands and requests of local churches through its ongoing efforts to maintain communication with the periphery. Its constant monitoring of local conditions and the requests sent to it for guidance and solutions on the part of churches spread throughout the world constituted two parallel and complementary channels through which the cardinals of the dicastery could exercise effective control

31 The memorials of 11 July 1602, 7 February 1607 and 28 March 1607, in Latin and Italian, are contained in AAV, Congr. Concilio, Positiones, vol. 115, fols. 63r–v and 64r–v. See B. Emich, "Dalla Chiesa tridentina al mito di Trento: Una rilettura storico-concettuale," *Storica* 63 (2015), 41–66.

32 AAV, Congr. Concilio, Lib. Decret., vol. 29, fols. 355r–358v, "An concilia Provincialia sint in usum revoc[an]da?"; BUB, Ms. 538, t. III, fols. 38r–38r, 6 February 1677. Andrea Aprà, *Il Metropolita e la sua potestà giurisdizionale sino al Concilio di Trento compreso* (Rome: 1966), 107.

over the reception of the Tridentine decrees, in the context of a religion that was the first to achieve a truly global reach. The Congregation must indeed be viewed as an institutionalized organ which defended the Tridentine tradition. In the first decades of its operations, it carried out the function of censuring provincial councils on specific points; with the passage of time, however, its role was increasingly to protect the general sense of Trent.[33] This change took place not only because the number of local assemblies decreased but also because the Roman Curia came to wield many instruments to control and coordinate the work of the periphery. These instruments included acts of *recognitio* for provincial decrees, apostolic visits to churches on the Italian peninsula, the obligation to submit reports on the status of the dioceses, and, not least, the permanent nunciatures. Both its work in the interpretation of the Tridentine decrees and its use of the *recognitio* to sanction local decrees illustrate that the Congregation of the Council was often more a center for collecting information on conflicts that emerged in faraway places than an engine of reform actively spreading its influence through a polycentric Catholic world.[34]

Together with the other permanent curial dicasteries, the Congregation of the Council created a homogenous culture by acting upon specific, individual cases. In the long run, the activity of the Congregation had the effect of leveling local particularisms, thereby generating unity through uniformity.[35] The growing number of institutional bodies within the Curia each dealt with problems linked to the Council of Trent, producing bureaucratic, centralized responses in place of local, horizontal processes of resolving conflicts and problems. We can appreciate the increasing complexity of these functions by following the evolution of these curial bodies. Thanks to the permanent dicasteries, the reception of the Tridentine decrees gradually became the means by which the Curia pursued a long-term strategy for centralization of the churches dispersed throughout the world.

Sixtus V's reform did not sanction the dominance of one dicastery over the others but rather envisioned a movement in the direction of equilibrium among them. While this reorganization marginalized the consistory of cardinals with respect to what it had been for centuries, it was in part the fruit of the way that cardinals of the congregations now interpreted their role. The weakening of the consistory in fact occurred because several *res graves* were

33 J. Assmann and A. Assmann, "Kanon und Zensur als kultursoziologische Kategorien," in J. Assmann, A. Assmann, and C. Hardmeier (eds.) *Kanon und Zensur: Beiträge zur Archäologie der literarischen Kommunikation* (Munich: 1987), 7–27: 11–15.

34 Cf. N. Luhmann, *Struttura della società e semantica* (Rome-Bari: 1983 [Frankfurt a. M.: 1980]), 159–163.

35 See Firpo and Maifreda, *L'eretico*, 723–727; Wassilowsky, *Posttridentinische Reform*, 151–155.

discussed in the congregations (above all in the temporary ones, rather than in the permanent dicasteries stipulated by the Sistine reform): it was the cardinals themselves who resisted the actions of the full college in order to defend their personal monopolies of influence within their respective congregations. The dicasteries further gave rise to a consolidated jurisprudence which rendered decisions coherent with one another over time and space, thereby legitimizing the organ which ruled and presided over the decision-making process: the authority of the decisions, in other words, increased the authority of the deciding body. In retrospect, we might say that the Sistine reform did not increase papal control over cardinals or over the entire Curia but rather made the Curia a polycentric organ which was less easily governed by the pontiff, equally capable of following or resisting him.[36]

Was centralization an objective consciously pursued through the establishment of the Congregation of the Council? Even though several particular occasions and decisions turned out to be crucial a posteriori – Charles Borromeo's request to approve his first provincial council, Philip II's involvement in the councils of the Iberian peninsula, the Sistine reform of 1588 – it is evident that the so-called periphery played a fundamental role in establishing the power of the core, as local actors constantly urged the dicastery to make decisions. Following the foundation of *Propaganda fide*, the Congregation of the Council focused its operations on the churches of long-established Christian centers, while the question of sanctioning the decrees of provincial councils by means of the *recognitio* became a minor one. Whether centralization was sought or merely an effect accelerated by the actors involved, the decisions issued from the core impacted local conditions. While they certainly reinforced the positions of petitioners within local contexts, they also strengthened the Roman center by confirming the role of the congregations as arbitrators, sanctioning their direct superiority over bishops, and usurping the role of metropolitans as intermediaries of control and judgment. On the one hand, then, local protagonists requested Rome to act and intervene in the periphery to adjust power imbalances or mitigate the excessive interference of sovereigns within the orbit of the Church; on the other, the will to centralize dovetailed with the many needs of a global, polycentric Catholicism.

36 See J. Lecler, "Le Cardinalat de l'Église romaine: Son évolution dans l'histoire," *Etudes* 330 (1969), 871–883; Fattori, *Clemente VIII*, 302–303; A. Menniti Ippolito, *Il governo dei papi nell'età moderna: Carriere, gerarchie, organizzazione curiale* (Rome: 2007), 120; C. Fantappiè, *Chiesa romana e modernità giuridica*, 2 vols. (Milan: 2008), vol. I. *L'edificazione del sistema canonistico, 1563–1903*, 17–25, and vol. II. *Il Codex iuris canonici, 1917*, 559–563; L. Sinisi, *Oltre il Corpus iuris canonici: Iniziative manualistiche e progetti di nuove compilazioni in età post-tridentina* (Soveria Mannelli: 2009), 195–221.

TABLE 15.1 Local Councils Held by Territory between 1517 and 1817

| Sovereignty | Councils held 1517–44 | Councils held 1545–63 | Councils held 1564–74 | Councils held 1575–1622 | Total 1517–1817 |
|---|---|---|---|---|---|
| French Empire | 11 | 2 | 1 | 9 | 26 |
| Habsburg Empire | 4 | 5 | 2 | 2 | 19 |
| Kingdom of England | 4 | 3 | | 3 | 20 |
| Papal States | | 1 | 5 | 5 | 18 |
| Portuguese Empire | | 1 | 5 | 5 | 12 |
| Republic of Genoa | | | 2 | | 2 |
| Republic of Venice | | | | 4 | 4 |
| Spanish Empire | 10 | 7 | 37 | 46 | 137 |
| Medicean Tuscany | 1 | | 1 | 1 | 3 |
| Kingdom of Poland | 12 | 6 | 3 | | 21 |
| Polish Lithuanian Commonwealth | | | | | 5 |
| Kingdom of Scotland | | 4 | | | 4 |
| Chinese Empire | | | | | 1 |
| Ottoman Empire | | | | | 2 |
| Total | 42 | 29 | 56 | 80 | 281 |

CHAPTER 16

# The Roman Curia and the Eastern Churches, 1500–1800: Diplomacy, Cultural Policy, Mission, and Confessional Control

*Cesare Santus*

## 1 Introduction

In this chapter I will provide a synthetic overview of the long and tortuous relationship between the Roman Curia and the Christian East in early modern times.[1] During this period, the relationship between the Catholic Church and the Eastern Churches followed a non-linear development, further complicated by the plurality of the communities involved, which were scattered over different geographical and political contexts (Eastern and Central Europe, the Ottoman Empire, Persia, Ethiopia, India …) and belonged to distinctive theological, liturgical and disciplinary traditions, expressed in Greek, Arabic, Syriac, Armenian, Coptic, Slavic, and other languages.[2] Nevertheless, if one considers the phenomenon from the perspective of the Roman Curia, it is possible to identify three recurrent attitudes or 'styles' toward Eastern Christianity: a diplomatic-cultural approach, a missionary effort, and confessional-normative control. These approaches coexisted for a long time, sometimes overlapping, but they also prevailed at different stages in the history of the Catholic Church: in the late sixteenth, seventeenth, and eighteenth centuries, respectively. Each

1 I would like to thank Margherita Farina, Aurélien Girard, Sam Kennerley, Laurent Tatarenko and Matteo Salvadore for their help and advice. Abbreviations: AAV=Archivio Apostolico Vaticano; ADDF=Archivio del Dicastero per la Dottrina della Fede; APF= Archivio Storico della Congregazione de Propaganda fide; ASR=Archivio di Stato di Roma; BAV= Biblioteca Apostolica Vaticana; BVR=Biblioteca Vallicelliana (Rome).

2 For an overview of the history of Eastern Christian communities, especially in late medieval and early modern times, see M. Angold (ed.), *The Cambridge History of Christianity*: vol. 5, *Eastern Christianity* (New York: 2006), and B. Heyberger, *Les Chrétiens d'Orient* (Paris: 2017). More specifically, for the history of relations between Catholics and Orthodox in the Near East, see Ch.A. Frazee, *Catholics and Sultans: The Church and the Ottoman Empire (1453–1923)* (Cambridge: 1983); B. Heyberger, *Les chrétiens du Proche-Orient au temps de la Réforme catholique* (*Syrie, Liban, Palestine, XVII^e–XVIII^e siècle*) (Rome: 1994); C. Santus, *Trasgressioni necessarie: Communicatio in sacris, coesistenza e conflitti tra le comunità cristiane orientali* (*Levante e Impero ottomano, XVII–XVIII secolo*) (Rome: 2019).

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one of them mobilized different ecclesiastical actors, such as cardinals, secretaries of Congregations, and consultants.

## 2 Diplomacy and Cultural Policy in the Hands of Cardinals and Popes

The attitude of the Roman Curia toward the Christian East in the sixteenth century was obviously affected by the double legacy left by the Council of Florence with the bulls of Union (1439–1442) and by the Council of Trent (1545–1563). The former offered the model of a gathering in which the 'Union' among the Churches had been achieved through diplomatic channels and high-level contacts between the Roman pontiffs and the representatives of the Eastern communities. This effort had resulted in the signing of agreements that lacked real support among the faithful and thus were in practice disregarded by all parties, but which nevertheless remained theoretically in force as a normative frame of reference.[3] On the other hand, despite being labeled as an ecumenical council, Trent was never a place for discussion within the Universal Church over conflicting beliefs and practices, and its real legacy consisted in the definition of an orthodoxy and orthopraxy that coincided with obedience to the authority of the Roman pontiff. Except for a few late attempts, there was no place for the Eastern Churches in this perspective. It is noteworthy that, in January 1546, when an anonymous participant proposed inviting Armenian or Ethiopian representatives to the Council, his words seemed so absurd that almost the entire assembly burst into laughter.[4]

3 J. Gill, *The Council of Florence* (Cambridge: 1959); V. Peri, "La lettura del concilio di Firenze nella prospettiva unionistica romana", in V. Peri, *Da Oriente e da Occidente: Le Chiese cristiane dall'Impero romano all'Europa moderna*, ed. M. Ferrari, 2 vols. (Rome-Padua: 2002), 1:375–396; M.-H. Blanchet, "La question de l'Union des Églises (13e–15e siècle): Historiographie et perspectives", *Revue des études byzantines* 61 (2003), 5–48.

4 'Illud vero ridiculosum fuit, quod quidam dixit, videlicet ut litterae quodque ad regem Nubiae, quam presbyterum Ioannem appellamus, itemque ad Arabos et ad Armenos destinarentur. Quae adeo omnibus risum excitavit, ut tota pene synodus in risum erumperet' (quoted by V. Peri, "Trento: Un concilio tutto occidentale", in Peri, *Da Oriente a Occidente*, 1:397–459, quote 410). In fact, Pius IV tried, at least theoretically, to have an Eastern participation in the last stages of the Council by inviting (among others) the Greek, Armenian, and Coptic patriarchs to send some delegates. However, for several reasons, none of them reached Trent. A non-Latin bishop who briefly attended the Council in 1551 was the Greek 'Archbishop of Thessaloniki' (in fact Herakleia) Makarios: not knowing Latin, he depended entirely on the translations of a Calabrian bishop. See V. Peri, "Il concilio di Trento e la Chiesa greca", in G. Alberigo and I. Rogger (eds.), *Il concilio di Trento nella prospettiva del terzo millennio* (Brescia

In this context, the initiative was first taken by Eastern Christians themselves, who began to arrive in Rome in increasing numbers, seeking political, economic or military support for their home communities (and often pursuing their own personal interests as well), almost always resorting to the protection offered by some cardinals.[5] A particularly significant example is that of the Cyprus-born Ethiopian priest Yoḥannəs, who arrived in Rome in 1542. He successfully wove relationships with many important prelates, skillfully navigating from the 'spiritual' party (he had been invited to Rome by Gasparo Contarini and had been previously a host of Pietro Paolo Vergerio in Koper) to the 'zealous' one. In Rome, he found his way into the household of the intransigent inquisitor Cardinal Gian Pietro Carafa, later Pope Paul IV, eventually becoming his 'familiar' or even 'chaplain'.[6] Further, after the latter's death, in a surprising turn of events he managed to secure the benevolence of the most bitter enemy of his former benefactor, Cardinal Giovanni Morone, and of Carafa's successor, Pope Pius IV.[7] Thanks to this network of protection and to his own skills as a polyglot, 'Giovanni Battista Indiano' or 'Abissino' (as Yoḥannəs was called in Rome) filled the role of interpreter and mediator in practically all the

1997), 403–441; N.H. Minnich, "The Organizational Structure of the Council of Trent", in idem (ed.), *The Cambridge Companion to the Council of Trent* (Cambridge 2023), 32–52: 41–44.

5 See the essays included in E. Michelson and M. Coneys Wainwright (eds.), *A Companion to Religious Minorities in Early Modern Rome* (Leiden: 2021), in particular R.J. Clines, "Pope as Arbiter: The Place of Early Modern Rome in the Pan-Mediterranean Ecumenical Visions of Eastern Rite Christians" (ibidem, 55–88), S. Kennerley, "Ethiopian Christians in Rome, c.1400–c.1700" (ibidem, 142–168), and C. Santus, "Wandering Lives: Eastern Christian Pilgrims, Alms- Collectors and 'Refugees' in Early Modern Rome" (ibidem, 237–271). I will not dwell here on the involvement of Eastern Christians in Catholic plans for a 'crusade' against the Ottomans, on which I refer to G. Poumarède, *Pour en finir avec la Croisade: Mythes et réalités de la lutte contre les Turcs au XVI^e^ et XVII^e^ siècles* (Paris: 2009) and to the essays collected in M.A. Visceglia (ed.), *Papato e politica internazionale nella prima età moderna* (Rome: 2013), particularly the chapter of A. Girard, 'Entre croisade et politique culturelle au Levant: Rome et l'union des chrétiens syriens (première moitié du XVII^e^ siècle)', 419–437.

6 On Yoḥannəs's life, see M. Salvadore, "African Cosmopolitanism in the Early Modern Mediterranean: The Diasporic Life of Yohannes, the Ethiopian Pilgrim Who Became a Counter-Reformation Bishop", *The Journal of African History* 58/1 (2017), 61–83. While in Rome, he was re-ordered in the Latin rite: see S. Kelly and D. Nosnitsin, "The Two Yoḥanneses of Santo Stefano degli Abissini, Rome: Reconstructing Biography and Cross-Cultural Encounter Through Manuscript Evidence", *Manuscript Studies* 2 (2017), 392–426: 398. For an overview of the Ethiopian presence in sixteenth-century Rome, see now S. Kelly, *Translating Faith: Ethiopian Pilgrims in Renaissance Rome* (Cambridge MA: 2024).

7 On the curial context of those years and the opposition between 'spirituali' and 'zelanti', see M. Firpo, *La presa di potere dell'Inquisizione romana 1550–1553* (Roma-Bari: 2014); E. Bonora, "Morone e Pio IV", in M. Firpo and O. Niccoli (eds.), *Il cardinale Giovanni Morone e l'ultima fase del concilio di Trento* (Bologna: 2010), 21–52.

major diplomatic missions of those years. He was involved both when Eastern patriarchs visited Rome in person (e.g. the 'Nestorian' Yōḥannān Sulaqa, who in 1553 was consecrated patriarch of the Chaldean Catholic Church, followed in 1562 by his successor 'Abdīshōʿ of Gazarta), as well as when contacts were conducted through the exchange of letters or ambassadors, such as the negotiations with the Coptic patriarch Gabriel VII in 1555, or the embassy of Abgar of Tokat on behalf of the Armenian *catholicos* Michael II in 1564.[8] In 1564, after being examined by Cardinal Inquisitor Michele Ghislieri, Yoḥannəs was elected bishop of the Ethiopian community of Cyprus and charged with a delicate diplomatic mission directed to the prelates of Syria, Armenia and Mesopotamia, which could not be accomplished due to his sudden death along the way.[9]

Yoḥannəs's ordination had been promoted by a cardinal, Marco Antonio Da Mula, who at the same time was also supporting another Eastern Christian, the young son of the Armenian ambassador Abgar. This young man stayed in Rome and ended up making a career in the service of the curia, even taking on his patron's given names: Marco Antonio Abagaro. It is worth dwelling on this figure because of his role in the history of the Oriental press in Rome, since he was involved in the creation of no less than two sets of Armenian typefaces, the first in 1565 together with his father (with the authorization of Pius IV), and the second in 1579, in collaboration of the French type designer Robert Granjon, who had been specially called to Rome by Pope Gregory XIII to publish books in all the main languages of the Christian East.[10]

Printing books in the languages of the Eastern Churches was not a new interest in Roman circles, but until then it had been limited to personal relationships forged between certain cardinals endowed with particular erudition or intellectual sensitivity, Eastern clergymen who had arrived in Rome in a more or less adventurous way, and private printers who were willing to invest in this market. The best-known example is that of Cardinal Marcello Cervini.

8 G. Beltrami, *La Chiesa caldea nel secolo dell'Unione* (Rome: 1933), 62, 64–65, 180, 183, 186–188; H.L. Murre-van den Berg, *Scribes and Scriptures: The Church of the East in the Eastern Ottoman Provinces (1500–1850)* (Leuven: 2015), 44–51; BVR, Ms. K11, fols. 402v–406v.

9 Yoḥannəs's canonical examination as bishop-nominee is preserved in AAV, Arm. I–XVIII, 2953; see Salvadore, "African Cosmopolitanism", 79–81; P. Dib, "Une mission en Orient sous le pontificat de Pie IV", *Revue de l'Orient chrétien* 19/1 (2014) 24–32, 266–77.

10 H.D.L. Vervliet, "Cyrillic & Oriental Typography in Rome at the End of the Sixteenth Century: An Inquiry into the Later Work of Robert Granjon (1578–90)", in H.D.L. Vervliet, *The Palaeotypography of the French Renaissance* (Leiden: 2008), 2: 427–474 (436–438); C. Santus, "New Documents on the Armenian Presence and Printing Activity in Early Modern Rome: Marco Antonio Abagaro (Sultʿanšah), Bartolomeo Abagaro and the 'Typographia Gabiana'", *Revue des Études Arméniennes* 41 (2022) 193–221. On the editorial project of Gregory XIII, see BVR, Ms. K 17, fol. 111r–v.

In addition to his role in the publication of numerous patristic texts in Greek, recent studies have revealed how in the late 1540s and early 1550s, by taking advantage of his position as Apostolic Librarian (1548–1555), Cervini promoted the production of printed characters in Geʿez and Syriac. This happened in collaboration with the Ethiopian Täsfa Ṣəyon, a resident of the monastery of Santo Stefano dei Mori behind the Vatican Basilica, and with the controversial Syrian priest Moses of Mardin. These types were used to print, respectively, some biblical, liturgical, and grammatical books in Geʿez in Rome, and a New Testament in Syriac in Vienna.[11] In line with this type of approach we may also evoke the famous Medici Oriental Press (*Typographia Medicea*), created in 1584 by Cardinal Ferdinando de Medici and entrusted to the direction of Gian Battista Raimondi, with the collaboration of a former Patriarch of Antioch, Niʿmatallāh. In just a few years this press produced an Arabic translation of the Gospels and a Maronite missal as well as other scientific and educational texts, following a logic that was partly determined by commercial purposes.[12]

In contrast to these initiatives, the project of Gregory XIII was at once more institutionalised (although it also relied on private printers such as Francesco Zanetti and especially Domenico Basa), and more resolutely missionary. In this regard, it started a new trend that would continue with his successor Sixtus V's creation of the 'Stamperia Vaticana', and later with the establishment of the polyglot printing house linked to the Congregation *de Propaganda fide* during the pontificate of Urban VIII.[13]

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11 P. Sachet, *Publishing for the Popes: The Roman Curia and the Use of Printing (1527–1555)* (Leiden: 2020); G. Cardinali, "Ritratto di Marcello Cervini 'en orientaliste' (con precisazioni alle vicende di Petrus Damascenus, Mosè di Mārdīn ed 'Heliodorus Niger'). Prima parte", *Bibliothèque d'Humanisme et Renaissance* 80, 1 (2018), 77–98; Idem, *Il cardinale maraviglioso. L'avventura editoriale di Marcello Cervini (1539–1555)* (Geneva: 2022), 191–205; R.J. Wilkinson, *Orientalism, Aramaic, and Kabbalah in the Catholic Reformation: The First Printing of the Syriac New Testament* (Leiden: 2007), 64–75; M. Salvadore and J. De Lorenzi,, "An Ethiopian Scholar in Tridentine Rome: Täsfa Ṣeyon and the Birth of Orientalism", *Itinerario* 45, 1 (2021), 17–46; S. Kennerley, *Rome and the Maronites in the Renaissance and Reformation: The Formation of Religious Identity in the Early Modern Mediterranean* (Abingdon: 2021), 57–85.

12 A. Tinto, *La Tipografia Medicea Orientale* (Lucca: 1987); M. Farina and S. Fani, *Le vie delle lettere: La Tipografia Medicea tra Roma e l'Oriente* (Florence: 2012); E. Leuschner and G. Wolf (eds.), *The Medici Oriental Press: Knowledge and Cultural Transfer around 1600* (Rome: 2022).

13 A. Tinto, "Per una storia della tipografia orientale a Roma nell'età della Controriforma: Contributi", *Accademie e biblioteche d'Italia* 41 (1973) 280–303 (on the other hand, the author emphasizes how in 1584–85 the Medici and Basa's printing house worked closely together: *La Tipografia Medicea*, p. 20 and ff.); G. Pizzorusso., "I satelliti di Propaganda Fide: Il Collegio Urbano e la Tipografia poliglotta. Note di ricerca su due istituzioni culturali

Gregory XIII certainly demonstrated continuity with the inquisitorial popes, who had replaced the idea of a 'Union' between the Roman Church and the Eastern Churches with the '*riduttione*' of any 'Schismatics', which meant bringing them back to obedience to the pope. Compared to the harshness typical of Ghislieri's papacy, however, Eastern Christians were now regarded not as heretics, consciously resisting Catholic truths, but rather as *bona fide* misguided people. Their errors were thought to come from their own ignorance – which made them potential prey for Protestant propaganda – and of their political subjection to the 'Turk'. Consequently, the pontiff promoted a policy that combined diplomacy with culturally oriented missionary activities. On one hand, secret negotiations were held with the Patriarch of Constantinople, Jeremias II, during the promulgation of the new Gregorian calendar (1582–1584), while the Jesuit Antonio Possevino was entrusted with a delicate mission to the Tsar of Muscovy (1581–1582). On the other hand, the Curia financed the production and distribution of Catholic books in the East and supported the education of young Eastern Christians in Rome, allowing them to remain faithful to their own liturgical traditions as long as these did not contradict the Tridentine disciplinary framework and proved useful for proselytism.[14]

The main architect and implementer of this project was a central figure of the curia during and after the reign of Gregory XIII. This was Giulio Antonio Santori, cardinal of Santa Severina and member of the Holy Office, who had been invested with the office of protector of the Eastern nations (with the exception of the Maronites, who were under the patronage of Antonio Carafa).[15] His imprint can be found in most of Gregory XIII's initiatives towards the East, such as the erection of a College for Greek students on the Via del Babuino (1573), and of the College of the Neophytes (1577). The latter was

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romane nel XVII secolo", *Mélanges de l'École française de Rome. Italie et Méditerranée* 116, 2 (2004), 471–498. In general, on teaching and printing in Oriental languages in Rome, see now the articles collected in E. Andretta, A. Romano, and M.A. Visceglia (eds.), *Le lingue nella Roma della prima età moderna: Luoghi e risorse*, monographic issue of *Rivista Storica Italiana*, 132, 1 (2020).

14 V. Peri, *Due date, un'unica Pasqua. Le origini della moderna disparità liturgica in una trattativa ecumenica tra Roma e Costantinopoli (1582–1584)* (Milan: 1967); S. Mund, "La mission diplomatique du père Antonio Possevino (s.j.) chez Ivan le Terrible en 1581–1582 et les premiers écrits jésuites sur la Russie moscovite à la fin du XVI[e] siècle", *Cahiers du monde russe* 45, 3–4 (2004), 407–440; Santus, *Trasgressioni necessarie*, 114–119.

15 For a biography of Santori, see S. Ricci, *Il sommo inquisitore: Giulio Antonio Santori tra autobiografia e storia (1532–1602)* (Rome: 2002), which however devotes little space to his activity towards Eastern Christians. In the years before 1585, another very important figure in the Holy See's cultural policy towards the Eastern Churches (especially the Greek Church) was Cardinal Guglielmo Sirleto.

originally intended for Jews and Muslims who were converting to Catholicism, but under Santori's direction it also welcomed Armenians, 'Jacobites', and even Maronites, until the latter obtained a college of their own in 1584; an Armenian College was also established by decree in the same year, but the project was short-lived.[16] Santori's wide-ranging schemes are hinted at in his autobiography and the diaries of his audiences with successive popes. They included promoting and censoring the publication of texts in different Eastern languages, sending instructions to Jesuit missionaries in Egypt and the Ottoman Levant, overseeing the problems caused by the Greek communities in Ancona and southern Italy, financing the reception of Armenian pilgrims in the Roman hospice of Santa Maria Egiziaca, and much more.[17]

Despite a setback during the pontificate of Sixtus V, who was determined to curb all such expenditures,[18] the cardinal's efforts continued until the papacy of Clement VIII, when they produced two particularly significant and almost contemporaneous outcomes. In 1595, a special curial congregation, chaired by Santori himself and tasked with regulating the spiritual government of the Greeks and Albanians who had settled in southern Italy since the fifteenth century, issued the *Perbrevis instructio super aliquibus ritibus Graecorum* ('Very

16 The bibliography on the Greek and Maronite colleges is extensive. Among others, cf. A. Fyrigos (ed.), *Il Collegio greco di Roma: Ricerche sugli alunni, la direzione, l'attività* (Rome: 1983); A. Girard and G. Pizzorusso, "The Maronite College in Early Modern Rome: Between the Ottoman Empire and the Republic of Letters", in L Chambers and Th. O'Connor (eds.), *College Communities in Exile: Education, Migration and Catholicism in Early Modern Europe* (Manchester: 2017), 174–197; C. Fiore and S. Kubersky-Piredda, "Gregorio XIII e l'Oriente. Arte e identità nei Collegi greco, maronita e armeno", in V. Balzarotti and B. Hermanin (eds.), *Gregorio XIII. Arte dei moderni ed immagini venerabili della nuova Ecclesia* (Rome: 2021), 137–157. The presence of Eastern Christians in the College of the Neophytes has been completely overlooked, despite the suggestions to investigate this venue provided by G. Levi della Vida, *Ricerche sulla formazione del più antico fondo dei manoscritti orientali della Biblioteca vaticana* (Rome: 1939), 405–413.

17 G. Cugnoni (ed.), *Autobiografia di Monsignor G.A. Santori cardinale di S. Severina* (Rome: 1890); A. Castellucci, "Il risveglio dell'attività missionaria e le prime origini della S.C. de Propaganda Fide", *Le Conferenze al Laterano, marzo-aprile 1923* (Rome: 1923), 117–254: 180–185; J. Krajcar, *Cardinal Giulio Antonio Santoro and the Christian East: Santoro's Audiences and Consistorial Acts* (Rome: 1966); N. Fattori, "'Strong-Headed Barbarians': The Greeks of Ancona and the Papal Policies in the Sixteenth Century", *Rivista di Storia della Chiesa in Italia* 1 (2018), 117–140; Cl. Libois, *Monumenta Proximi-Orientis. IV. Égypte (1565–1591)*, Monumenta Historica Societatis Iesu 150 (Rome: 1996), 79–80 and passim; Santus, "New Documents on the Armenian Presence", 202.

18 To give just an example, when Santori presented yet another request for financial support for an Armenian cleric, the pope blurted out that he could not take care of all of Armenia and that the Holy See's coffers were empty (AAV, Arm. LII, vol. 18, f. 338v; Krajcar, *Cardinal Giulio Antonio Santoro*, 83).

brief instruction on some rites of the Greeks'). This document had an influence far wider than its initial scope. As highlighted by Vittorio Peri, it provided a general theoretical framework for how Eastern Christians could be admitted to Catholic communion. This was made possible by downgrading their religious tradition to a mere 'rite', that is, a set of liturgical or disciplinary practices, which could be lawfully employed only if they conformed to the criteria of orthodoxy established by Roman authorities, and only if the faithful and clergy who observed them had been detached from their former hierarchy. Within this theoretical framework, it became possible to imagine the canonical existence of Eastern Catholic hierarchies dependent directly on the Roman Pontiff and not on the Eastern Patriarchs.[19]

This was exactly what happened for the first time in the year that the *Prebrevis instructio* was issued, when some Ruthenian bishops of the Polish-Lithuanian Commonwealth broke relations with the Ecumenical Patriarchate by submitting their obedience to the pope. The text of the 32 articles of union drafted by a synod specially assembled in the city of Brest was examined in Rome by some of the same prelates who sat in the Congregation of the Greeks. In both cases it was a matter of safeguarding the particular 'rites' of each community within a framework consistent with Tridentine principles. The respect of orthodoxy was secured also by a mandatory profession of Catholic faith, first elaborated during the pontificate of Gregory XIII and later published as an appendix to the *Perbrevis instructio*. Although the Union of Brest was more the result of the local ecclesiastical and political initiative of the Ruthenian bishops than of any impulse coming from Rome – which found itself confronting a *fait accompli* – there is no doubt that this union was the first realization of what was to become the model of later Uniate Churches, created by detaching parts of the Eastern episcopate from their original obedience.[20]

19 *Perbrevis Instructio super aliquibus ritibus Graecorum ad RR. PP. DD. Episcopos Latinos, in quorum civitatibus vel dioecesibus Greci vel Albanenses Graeco ritu viventes degunt* (Rome: Impressores Camerales, 1596). The genesis of this document and the work of the Congregation, originally established on 10 May 1573 with the official title of 'Congregatio pro reformatione Graecorum in Italia existentium et monachorum et monasteriorum ordinis Sancti Basilii', have been masterfully studied by V. Peri, *Chiesa romana e "rito" greco: G. A. Santoro e la Congregazione dei Greci* (*1566–1596*) (Brescia: 1975). Here and in the next paragraph I echo what I wrote in *Trasgressioni necessarie*, 118–119.

20 L. Tatarenko, "La naissance de l'Union de Brest : La curie romaine et le tournant de l'année 1595", *Cahiers du Monde Russe* 46, 1–2 (2005), 345–354; Idem, *Une réforme orientale à l'âge baroque: Les Ruthènes de la grande-principauté de Lituanie et Rome au temps de l'Union de Brest* (*milieu du XVI^e^–milieu du XVII^e^ siècle*) (Rome: 2021). It should also be mentioned that in the same year (1595) a union with the Coptic Church was also achieved, albeit of

## 3 The Government of the Missions between the Congregation of Propaganda and the Holy Office

Cardinal Santori led the Roman Curia into a new phase of its relations with the Eastern world, characterized by an increasingly centralized and vertical management of the missions. At the turn of the sixteenth and seventeenth centuries, the spread of the Catholic faith beyond Europe acquired momentum thanks to the contribution of religious orders of recent foundation, such as the Capuchins (1528), Jesuits (1540) and Discalced Carmelites (1562).[21] Under the pontificates of Clement VIII and Paul V, these missions were coordinated through the personal initiative of specific prelates, albeit with a progressive awareness of the need to institutionalize such efforts, to make them permanent, and to free them from the patronage of the Iberian Crowns.[22] Thus, beginning in 1599, Santori hosted periodic meetings of a Congregation '*supra propagatione seu dilatatione fidei*' that, according to a contemporary source, was meant to facilitate the 'reunion of the Greek Church with the Latin Church, a task that had been already accomplished before but without lasting effects, due to the fickleness of the Greeks'. In fact, this Congregation dealt not only with the Greeks but with all Eastern Christian communities, spanning a much wider geographical area (from the Balkans to India) and forming a real embryo of what would later become the '*Propaganda fide*'.[23]

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short duration: V. Buri, *L'unione della Chiesa copta con Roma sotto Clemente VIII* (Rome: 1931).

21 For an excellent historiographical review of Jesuit missions to Eastern Christian communities, see R.J. Clines, "The Society of Jesus and the Early Modern Christian Orient", *Jesuit Historiography Online* (Brill Reference Works), first published 2016; on Capuchins, see Ignazio da Seggiano, *L'opera dei cappuccini per l'unione dei cristiani nel Vicino Oriente durante il secolo XVII* (Rome: 1962); on the importance of the missionary activity of the Discalced Carmelites, especially in Persia, see now Ch. Windler, *Missionare in Persien: Kulturelle Diversität und Normenkonkurrenz im globalen Katholizismus* (*17.–18. Jahrhundert*) (Cologne: 2018).

22 Actually, already in 1568 the leadership of the Society of Jesus had convinced Pius V of the need to create a commission of cardinals to coordinate missionary activity, but the pontiff's efforts had no lasting consequences: see Castellucci, "Il risveglio dell'attività missionaria", 140 ff.; J. Metzler, "Wegbereiter und Vorläufer der Kongregation: Vorschläge und erste Gründungsversuche einer römischen Missionszentrale", in J. Metzler (ed.), *Sacrae Congregationis de Propaganda Fide Memoria Rerum*, vol. I/1 (Rome-Freiburg-Vienna: 1971), 38–78; G. Pizzorusso, *Propaganda fide, I: La Congregazione pontificia e la giurisdizione sulle missioni* (Rome: 2022), 3–60.

23 AAV, Arm. LII, vol. 22, fol. 94r; BAV, Urb. Lat. 1067, fols. 503r–504r (*Avviso di Roma*, 14 August 1599: 'trattandosi di riunir la Chiesa Greca alla Latina, negotio altre volte fatto, ma la volubilità de Greci non permette, che le cose siano stabili et perpetue'); Castellucci,

After Santori's death, however, the congregation dissolved and the superintendence of the missions was temporarily entrusted to the Discalced Carmelite Pedro de la Madre de Dios, while another friar, Tomás de Jésus, reflected on how to systematise missionary activity, freeing it from the political constraints of national monarchies.[24] The pontificate of Paul V still witnessed oscillations between the late medieval model based on embassies and new ideas about the reorganization of missionary work. The former is celebrated in the cycle of frescoes of the Sala Regia in the Quirinal Palace, which shows the portraits of Persian, Armenian, Chaldean and Ethiopian representatives sent to Rome (besides others from Kongo, China, and Japan).[25] The latter is exemplified by the proposals put forward at different times by Martín de Funes and Juan Bautista Vives to train secular clergy to be sent as missionaries to 'Muscovy, Tartary, Turkey, Prete Gioanni [i.e. Ethiopia], Persia and all those regions where *messis magna, operarii nulli*'.[26]

In the meantime, a very significant role was played by the Congregation of the Holy Office. In the 1610s, thanks also to the network of contacts of Cardinal Roberto Bellarmino, inquisitor and Jesuit, the Holy Office took into its hands the examination of several thorny issues related to the Christian East: among them, the interconfessional marriages between Greeks and Latins on the island of Chios, the profession of faith of the Nestorian patriarch Eliya VII, and the Balkan missions studied by Antal Molnár.[27] In doing so, the Roman

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"Il risveglio dell'attività missionaria"; M. Jačov, "Clément VIII et la fondation de la Congrégation pour la Propagation de la Foi en 1599", *Revue d'Histoire Ecclésiastique* 100 (2005), 5–14.

24 Pizzorusso, *Propaganda fide*, 28–39. According to Castellucci, the activity of the congregation was curbed even before Santori's death (1602), due to the political opposition of the Iberian monarchy: "Il risveglio", 197–198.

25 C.L. Baskins, "Locating the Chaldean Embassy to Pope Paul V in the Sala Regia of the Palazzo Quirinale in Rome", *Memoirs of the American Academy in Rome* 59–60 (2014–2015), 310–335; Eadem, "Framing Khoja Sefer in the Sala Regia of the Quirinal Palace in Rome (1610–1617)", *Journal of the Society for Armenian Studies* 24 (2015), 3–28; M. Fujikawa, "Pope Paul V's Global Design: The Fresco Cycle in the Quirinal Palace", *Renaissance Studies* 30, 2 (2016), 192–217.

26 G. Piras, *La Congregazione e il Collegio di Propaganda Fide di J. B. Vives, G. Leonardi e M. de Funes* (Rome: 1976); ADDF, SO, St. St., H 2-f, fasc. 1 ('1609 Roma. Circa erectionem Congregationis per R.P.D. Vives pro conversione Infidelium'), fol. 4r; I. Fosi, "Roma e gli 'ultramontani': Conversioni, viaggi, identità", *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 81 (2001), 351–396: 365–366.

27 Santus, *Trasgressioni necessarie*, 126; ADDF, SO, St. St., QQ 2-a, fols. 13r–57v; A. Molnár, "The Holy Office and the Balkan Missions before the Foundation of the Congregation of Propaganda Fide (1622)", in A. Molnár, *Confessionalization on the Frontier: The Balkans Catholics between Roman Reform and Ottoman Reality* (Rome: 2019), 31–46.

Inquisition affirmed its will to exercise doctrinal control over the entire Christian world, a claim that would also be reaffirmed at the time of the creation of a Congregation specially delegated to the government of the missions, that of *Propaganda Fide*.

I will not dwell here on the much-discussed circumstances that saw the birth of Propaganda. It has been rightly noted that a decisive impulse was given by the evolution of the European context, where the outbreak of the Thirty Years' War made it possible to overcome the resistance of the Iberian monarchy in view of a unified project of Catholic 'reconquest' of the Protestant countries.[28] However, it is worth noting that just two days after the promulgation of the founding constitution of Propaganda, *Inscrutabili Divinae Providentiae arcano* (June 22, 1622), Pope Gregory XV sent a Brief to the Melkite archbishop of Aleppo Malātyūs Karma in which he established an explicit link between the erection of the new Congregation and aid to the Eastern Churches oppressed by the Ottoman yoke.[29]

It is more important to stress that it was not only the cardinals who determined the functioning of the Congregation. Certainly, they reported on the individual affairs brought to their attention and voted on the proposals for resolving them, under the leadership of the Cardinal Prefect, who was responsible for the general direction of the Holy See's policy towards the Christian East. However, it was the bureaucratic staff of the Congregation who summarized and guided the discussion on the various dossiers. From this point of view, the role of the secretary became central, as was particularly true in the case of the first officer to bear this title, Francesco Ingoli, who held the role until his death in 1649.[30]

Ingoli often directly intervened in the management of the Eastern missions, given that, as he wrote, 'the Sacred Congregation is vigilant over all parts of the world, and especially over those ancient relics of Christianity that lie oppressed

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The importance of inquisitorial documentation for the history of relations between Rome and the Eastern Churches is at the heart of the volume by C. Santus, J.-P. Gay, and L. Tatarenko (eds.), *The Inquisition and the Christian East, 1350–1850* (forthcoming).

28 E. Sastre Santos, "La fundación de Propaganda Fide (1622) en el contexto de la guerra de los Treinta Años (1618–1648)", *Commentarium pro religiosis et missionariis* 83 (2002), 231–261; see also the perspective put forward by Elena Bonora in this volume, which emphasises the centrality of the nuncios and of the European context rather than the activities of missionaries in non-European worlds.

29 BNF, Ms. français 16158, fols. 17r–18v. For an overview of the historiographical debate, see Pizzorusso, *Propaganda fide*, 61–66.

30 J. Metzler, "Francesco Ingoli der erste Sekretär der Kongregation (1578–1649)", in *Memoria Rerum*, vol. I/1, 197–243; Pizzorusso, *Propaganda fide*, 101–121.

in the midst of the Mohammedan sect, however heretical and schismatic they may be'.[31] Despite a growing scepticism among prelates of the curia about the usefulness of colleges for Eastern Christians – as shown by the refusal of the Cardinals to erect additional colleges for the Chaldeans, Copts, and Armenians on the model of what had been done for Greeks and Maronites, given that experience taught that 'melius esse per Missiones, quam per Collegia fidem catholicam [...] propagare' (it is better to spread the Catholic faith through the missions rather than through the Colleges)[32] – Ingoli was one of the major promoters of the need to educate an indigenous Catholic clergy in Rome. His commitment to this matter was shared by the aforementioned Juan Bautista Vives, thanks to whom the *Collegium Urbanum de Propaganda fide* was established in 1626. In this truly international seminary, the students of Eastern Christian origin were always the majority, and despite some recurring criticisms, there is no doubt that they played an important role in promoting the Catholic faith in the Levant, and knowledge of the Christian East in Rome.[33]

However, Ingoli's attention was also directed to Eastern Christian subjects of Catholic states, as in the case of the Ionian islands controlled by the Republic of Venice, where mixed marriages between Greeks and Latins, and the joint participation of Catholics and Orthodox in the same sacraments and liturgies (*communicatio in sacris*) were commonplace.[34] This latter problem, which became more and more relevant over time and eventually involved

31 ASR, Archivio Santacroce, vol. 84, fol. 66r: 'la Sacra Congregazione sopra tutte le parti del Mondo è vigilante, e massimamente sopra le antiche reliquie del Christianesimo, che in mezzo alla Setta Maometana, quantunque scismatiche, et heretiche siano, rimangono oppresse', published in F. Ingoli, *Relazione delle Quattro Parti del Mondo*, ed. F. Tosi (Vatican City: 1999), 100. On this work, see S. Ditchfield, "Rome calling? Rewriting the Catholic Reformation for the 21st century", in M. Al Kalak, L. Ferrari and E. Fumagalli (eds.), *La crisi della modernità. Studi in onore di Gianvittorio Signorotto* (Rome: 2023), 305–328, and the chapter of Pizzorusso in this volume.

32 APF, Acta, vol. 4, fol. 77r (30 June 1626); see also ibidem, vol. 3, fol. 36; vol. 7, fols. 126v–127r (6 September 1630).

33 M. Jezernik, "Il Collegio Urbano", in *Memoria Rerum*, I/1, 465–480; Pizzorusso, "I satelliti"; Idem, "Una presenza ecclesiastica cosmopolita a Roma: Gli allievi del Collegio Urbano di Propaganda Fide (1633–1703)", *Bollettino di Demografia Storica* 22 (1995), 129–138. More in general, for an analysis of Rome as a 'site of mediation' at the crossroad of many circuits of missionary knowledge, see A. Romano, "Rome and Its Indies: A Global System of Knowledge at the End of the Sixteenth Century", in S. Burghart, L. Burkart, and Ch. Göttler (eds.), *Sites of Mediation: Connected Histories of Places, Processes, and Objects in Europe and Beyond, 1450–1650* (Leiden: 2013).

34 APF, SOCG, vol. 206, fol. 320r: 'Casi ne' quali li Greci di Corfù communicano con li Latini in divinis et e contra, con alcune note del Segretario Ingoli. Die 28 Augusti 1634'. See Santus, *Trasgressioni necessarie*, 257–267.

most of the eastern Mediterranean and beyond, represents one of the cases in which the prerogatives of *Propaganda fide* and of the Holy Office ended up competing. Ingoli and Vives did their best to affirm the right of Propaganda to decide in such matters, even through the recourse to a special theological commission. One of the issues that this hypothetical '*Congregatio de tuenda fide*' would have dealt with was precisely whether it was possible to allow 'those who were already united with the Latin Church to attend some Greek rites'.[35] Nevertheless, the Inquisition eventually managed to maintain exclusive control over the two central points in apostolic action. First was the granting of faculties (*facultates*), that is, the definition of the spiritual powers conceded to the missionary clergy in a regime of derogation from the traditional ecclesiastical regulatory framework. Second was the theoretical clarification of the difficulties (*dubia*) encountered by missionaries in their apostolic action, for example regarding the compatibility of Eastern theological, liturgical, or disciplinary traditions with the Tridentine model.[36]

Thus, a complex information and decision-making process developed. Any thorny questions posed by nuncios, missionaries, and Eastern Catholics themselves about sensitive elements or unresolved dilemmas were forwarded by the secretary of Propaganda to the Assessor of the Holy Office, where they were then examined by a group of specialized consultants (*consultores*). It is for this reason that the history of the construction of Eastern Catholicism must involve joint examination of the documents preserved in the historical archives of the Dicastery for Evangelization (former *Propaganda fide*), and those of the Dicastery for the Doctrine of the Faith (former Holy Office).[37]

35 APF, CP, vol. 1, fols. 279r–288v, "Discorso di Monsig: Vives sopra l'erettione della Cong. De Tuenda Fide, che dovrebbe erigersi in Roma", 5 February 1625 (fol. 281v: 'se permetteranno alcuni riti Greci a quelli che sono già uniti con la Chiesa latina').

36 G. Pizzorusso, "Le fonti del Sant'Uffizio per la storia delle missioni e dei rapporti con Propaganda Fide", in *A dieci anni dall'apertura dell'Archivio della Congregazione per la Dottrina della Fede: storia e archivi dell'Inquisizione*, (Rome: 2011), 393–423, now published in revised form in Idem, *Propaganda fide*, 157–190.

37 C. Santus, "Les papiers des consulteurs : Questions missionnaires et procès de décision au Saint-Office, XVII$^{e}$–XVIII$^{e}$ siècles", *Mélanges de l'École française de Rome – Italie et Méditerranée modernes et contemporaines* 130, 2 (2018), 431–445. In addition to this 'centralistic' approach, attention must also be paid to the way in which the application of Roman decisions was negotiated on the spot, as Elena Bonora rightly points out in this volume. From this point of view, for example, one must not forget the role played by the representatives of the French crown in the Ottoman Empire as 'protectors' of Eastern Catholics, in a position of simultaneous collaboration, negotiation and rivalry with the Roman Curia (see Girard, 'Entre croisade et politique culturelle').

## 4 Eastern Christian Curia Officers and the Confessional Control over the Eastern Catholic Churches

In the late seventeenth and eighteenth centuries, the successful diffusion of Catholicism in the territories of the Ottoman Levant and Eastern Europe caused two important changes to the picture illustrated so far. On one hand, the promotion of the apostolate even at the price of tolerance of a certain confessional ambiguity ceased to be the main priority of the ecclesiastical authorities, being instead replaced by the need to consolidate already existing Uniate communities, to insert them into a clear regulatory framework, and to defend them from the risk of doctrinal indifferentism. On the other hand, the spread of Catholic ideas and behaviours not only among the ecclesiastical elites but also among the faithful led to an evolution in the type and number of Eastern Christians who came to Rome. After mostly hosting bishops, patriarchs, and ambassadors, starting from 1650 Rome witnessed the arrival of an imposing mass of lay pilgrims and 'confessional refugees' fleeing the sectarian conflicts of the Ottoman world. There were also monks and prelates wandering in search of alms and economic support, and especially members of the new religious orders born within the Eastern Catholic Churches, who arrived in Rome to act as representatives of the Uniate patriarchs in the Curia.[38]

To manage this growing influx of individuals, *Propaganda fide* created a network of reception institutes which has yet to attract scholarly attention. Among them was the hospice of Saint Ephrem at the church of S. Maria della Sanità (1697–1748), intended for Syrian Catholics and built with the donations collected by representatives of the Patriarchate of Antioch; the hospice of Saints Sergius and Bacchus, entrusted in 1639 to the Ruthenian Basilian

38 Santus, "Wandering Lives". The circulation of Eastern Christians in the Mediterranean area (and beyond) has recently received considerable interest: to name but a few, see J.-P. Ghobrial, "Migration from Within and Without: In the Footsteps of Eastern Christians in the Early Modern World", *Transactions of the Royal Historical Society* 27 (2017) 153–173; Idem, "Moving Stories and What They Tell Us: Early Modern Mobility Between Microhistory and Global History", *Past & Present* 242, Supplement no. 14 (2019) 243–280; S.D. Aslanian, "'Many have come here and have deceived us:' Some Notes on Asateur Vardapet (1644–1728), An Itinerant Armenian Monk in Europe", *Handēs amsōreay* 1–12 (2019), 133–194; Idem, *Early Modernity and Mobility: Port Cities and Printers across the Armenian Diaspora, 1512–1800* (Yale: 2023); M. Salvadore, "'I Was Not Born to Obey, but Rather to Command': The Self-Fashioning of Ṣägga Krəstos, an Ethiopian Traveler in Seventeenth-Century Europe", *Journal of Early Modern History* 25, 2 (2021), 1–33. Bernard Heyberger was a pioneer of this kind of studies: see the articles now collected and translated into English in B. Heyberger, *Middle Eastern and European Christianity: Connected Histories*, ed. A. Girard, C. Santus, V. Kontouma, and K. Sanchez (Edinburgh: 2023).

monks of Poland-Lithuania; the Maronite convent of Saints Marcellinus and Peter, near the Lateran (1707); but also the Armenian convent of Saint Gregory the Illuminator near the Vatican, active during 1760s–1870s, and the church of S. Maria in Domnica, with liturgy celebrated in Arabic by the Melkites from 1734.[39]

These institutes, although managed by the individual Eastern communities, remained under the supervision of the Congregation of *Propaganda fide*. Furthermore, in line with Counter-Reformation policies, the reception of foreign pilgrims and visitors was accompanied by a thorough confessional vetting process that concluded with a formal profession of Catholic faith. The latter was a prerequisite to access hospitality, material aid, or just to file any request with the offices of the Curia. These professions of faith took place at the Palace of the Holy Office, and in the Inquisition archives there are volumes recording thousands and thousands of names, along with biographical information and autographed subscriptions in various oriental languages.[40]

A fundamental role of mediation in this twofold process of reception and control was played by those Eastern Christians who had somehow managed to settle permanently in Rome at the service of the Congregations. Intermediaries between the Curia and the various Eastern communities had always existed in Rome, from the clients of the cardinals mentioned at the beginning of this chapter, up to some famous names of the seventeenth century, such as the Greeks Pietro Arcudio (Petros Arkoudios) and Leone Allacci (Leōn Allatios), the Maronites Abraham Ecchellensis (Ibrāhīm al-Ḥāqilānī) and Faustus Naironus (Mirhij al-Bānī), the Armenians Zaccaria Agam (Zakʻaria Ałam) and Basilius Barsech (Barseł Barsełean), the Syrian Timoteo Agnellini (Timotʻēos Gaṙnuk), and many others.[41] But it was in the eighteenth century

39 L. Tatarenko, "I ruteni a Roma: I monaci basiliani della chiesa dei Santi Sergio e Bacco (secoli XVII–XVIII)", in A. Molnár, G. Pizzorusso, and M Sanfilippo (eds.), *Chiese e Nationes a Roma: Dalla Scandinavia ai Balcani. Secoli XV–XVIII* (Rome: 2017), 175–191; G. Petrowicz, "Origine dei monaci antoniani armeni", *Bazmavep* 143 (1985), 143–148; B. Cattan, "La chiesa di S. Maria in Domnica, detta volgarmente della Navicella", *Bessarione* 21, 4 (1917), 374–396. For the later history of these institutions, see C. Santus, "Rome, avant-poste de la France en Orient: Les chrétiens orientaux dans la Ville Éternelle et la Congrégation de la Propagande pendant l'occupation napoléonienne (1808–1814)", *Annales Historiques de la Révolution française* 401, 3 (2020), 135–157.

40 I am currently completing the transcription of the registers and the construction of a prosopographic database based on them: for some preliminary data, see C. Santus, "Tra la chiesa di Sant'Atanasio e il Sant'Uffizio:' note sulla presenza greca a Roma in età moderna", in *Chiese e Nationes a Roma*, 193–223; Idem, "Wandering Lives".

41 K. Hartnup, *"On the Beliefs of the Greeks": Leo Allatios and Popular Orthodoxy* (Leiden: 2004); I. Herklotz, *Die Academia basiliana: Griechische Philologie, Kirchengeschichte und Unionsbemühungen im Rom der Barberini*, (Rome: 2008); A. Girard, "Was an Eastern Scholar Necessarily a Cultural Broker in Early Modern Europe? Faustus Naironus

that this phenomenon reached its peak and became institutionalized, above all due to the need to communicate ever more closely with the new Eastern Catholic Churches united with Rome and to regulate their internal life. The Easterners in the service of the Curia then became a fundamental cog in the machine through which the Holy See controlled the circulation of people and information between Italy and the Middle East. This topic remains decidedly understudied: extant historiography has mostly focused on the role of Eastern Christian scholars within the *République des Lettres*,[42] while neglecting to consider the administrative, informative, and sometimes policing tasks performed by them on behalf of the Roman Congregations, and for other European princely courts.[43]

A telling example is that of the most famous Eastern Curial officer of the time, the Maronite Giuseppe Simone Assemani (Yūsuf Shamʿūn al-Simʿānī, 1687–1768). His dazzling career, which led him from being a simple student of the Maronite College to becoming a *scriptor* for Syriac and Arabic in the Vatican Apostolic Library, canon of St. Peter, domestic prelate, and eventually First Custodian (Prefect) of the Vatican Library, has been normally explained in relation to his cultural and scholarly work, and above all to the publication of his masterpiece, the *Bibliotheca Orientalis* (1719–1728).[44] Less well-known is the fact that throughout his life Assemani collaborated closely

(1628–1711), the Christian East, and Oriental Studies", in N. Hardy and D. Levitin (eds.), *Faith and History: Confessionalisation and Erudition in Early Modern Europe* (Oxford: 2019), 240–263; M. Karapetean, "Zakʿaria Ałam (1611–1688)", *Handēs amsōreay* 1–12 (2020), 181–228; Aslanian, *Early Modernity and Mobility*, 406–407; B. Heyberger, "La carrière manquée d'un ecclésiastique oriental en Italie: Timothée Karnush, archêveque syrien catholique de Mardin", in B. Heyberger (ed.), *L'Italie vue par les étrangers*, *Bulletin de la Faculté des Lettres de Mulhouse* 19 (1995) 31–47 (an updated English translation in Heyberger, *Middle Eastern and European Christianity*, 90–104).

42 The latest studies aim to redirect focus towards the involvement of Eastern Christians in facilitating European Orientalists' access to manuscripts and specialized knowledge. This goes beyond portraying them merely as 'native informants' or subordinate collaborators of academic scholars: see J.-P. Ghobrial, "The Archives of Orientalism and its Keepers: Reimagining the Histories of Arabic Manuscripts in Early Modern Europe", *Past & Present* 230, suppl. n° 11 (2016), 90–111; S. Mills, *A Commerce of Knowledge: Trade, Religion, and Scholarship between England and the Ottoman Empire, 1600–1760* (Oxford: 2020); E. Natalie Rothman, *The Dragoman Renaissance: Diplomatic Interpreters and the Routes of Orientalism* (Ithaca: 2021); A. Hamilton, *Arabs and Arabists: Selected Articles* (Leiden: 2022).

43 One exception is the recent article by Th. Glesener, "Gouverner la langue arabe. Miguel Casiri et les arabisants du roi d'Espagne au siècle des Lumières", *Annales. Histoire, Sciences Sociales* 76, 2 (2021), 227–67.

44 G. Levi della Vida, "Assemani, Giuseppe Simonio", in *Dizionario biografico degli Italiani*, vol. 4 (Rome: 1962), 437–440; N. Gemayel, *Les échanges culturels entre les Maronites et l'Europe: Du Collège maronite de Rome (1584) au Collège de ʿAyn Warka (1789)*, 2 vols. (Beirut: 1984), 1:420–434.

with the Congregations of *Propaganda fide* and of the Holy Office, serving as a point of reference for oriental affairs in Rome by translating, studying documents, censoring books, and consulting on liturgical and theological issues.[45] Unsurprisingly, he also influenced some of the decisions taken during the pontificate of Benedict XIV, when the effort of the Roman Church to clearly define the ecclesiastical discipline of Eastern Rite Catholics reached its greatest systematization.[46] This activity, rewarded in 1756 with the official appointment as consultant of the Inquisition, placed Assemani at the center of an important patronage network, of which the members of his extended family took ample advantage, creating a Roman-Lebanese dynasty that was highly influential in the Curia.[47]

## 5 Conclusion

The three phases outlined in this article were not perfectly consecutive in the history of the Roman Curia's attitude toward the Christian East. More often than not, the diplomatic, missionary, and inquisitorial approach existed simultaneously, and intertwined in inextricable ways. For example, throughout the eighteenth century the cardinal protectors of each Eastern nation continued to play an important role with their personal agency and patronage, as had been the case in the sixteenth century. And as late as the 1820s, the pontiff gave credit to a project of Union of the Coptic Church with Rome that was carried out exclusively by mail, which resulted in a sensational setback when it was discovered that the correspondence was the work of a forger.[48]

45 C. Santus, "Giuseppe Simonio Assemani consultore del Sant'Uffizio", in Ž. Paša (ed.), *Actes du congrès "L'Orient chrétien dans l'Occident latin". 300e anniversaire de la Bibliotheca Orientalis d'Assémani (1719–2019)*, monographic issue of *Parole de l'Orient* 47 (2021), 175–190.

46 A. Girard, *Le christianisme oriental (XVIIe–XVIIIe siècles). Essor de l'orientalisme catholique en Europe et construction des identités confessionnelles au Proche-Orient* (PhD dissertation, École Pratique des Hautes Études, 2011), 359–365; M.T. Fattori, "Benedict XIV and His Sacramental Polity on the Eastern Churches (1740–1758)", *Nicolaus* 39 (2012), 117–144.

47 B. Heyberger, "Chrétiens orientaux dans l'Europe catholique (XVIIe–XVIIIe siècles)", in B. Heyberger and Ch. Verdeil (eds.), *Hommes de l'entre-deux: Parcours individuels et portraits de groupes sur la frontière de la Méditerranée (XVIe–XXe siècle)* (Paris: 2009), 61–94: 85 (see the English translation in Heyberger, *Middle Eastern and European Christianity*, 49–89).

48 C. Santus, "The Great Imposture: Eastern Christian Rogues and Counterfeiters in Rome, c. 17th–19th Centuries", in C. Zwierlein (ed.), *The Power of the Dispersed: Early Modern Global Travelers beyond Integration* (Leiden: 2022), 98–130.

Two other themes can be extracted from the rapid overview offered here. First is the process of increasing institutionalization in the relations between the Roman Curia and the Eastern hierarchies, marked by the evolution from the personal initiative of individual prelates to the construction of temporary commissions of cardinals, and then the erection of the permanent Congregation *de Propaganda fide*, leading finally to the current Dicastery for the Eastern Churches which gained full autonomy in 1917. Another fundamental theme is the growing importance assumed within the mechanisms of the Curia by Eastern Christians themselves, who, although normally relegated to subordinate roles, gradually acquired an increasingly important role in the effective assembly of dossiers relating to their communities of origin. The importance of these 'amphibious' figures, oriental by birth but Roman in education and career, for the history of relations between Rome and the Christian East cannot be underestimated, and deserves to be further explored, to understand how their intermediation ended up influencing the eastern policy of the Holy See.

CHAPTER 17

# Two Bodies and One Soul: Papal Finances in the Modern Age (1564–1800)

*Massimo Carlo Giannini*

The title of this chapter is intended to be a word play on the deservedly famous and much more important book by Paolo Prodi, *The Papal Prince: One Body and Two Souls. The Papal Monarchy in Early Modern Europe* published in 1982 and translated into English six years later.[1] Forty years ago, when historiographic views were quite different from what they are today, Prodi set himself the task of overturning a traditional interpretation of papal power in the early modern age which had long been viewed as a political configuration that was a backward political relic. By contrast, Prodi aimed to show in the construction of the pope's dual authority, spiritual and temporal, a key to understanding a modernity in which the sacralization of power played an essential part in the phenomenon of state building.

Also moving along these lines was the German scholar Wolfgang Reinhard who in 1984 undertook a highly nuanced analysis of papal finances in the Sixteenth and Seventeenth centuries in all their vast complexity.[2] Reinhard also sought to understand the deep entanglements that existed between "spiritual" finances related to the authority of the head of the Church and which theoretically had a universal reach, and "temporal" finances, concerning the revenues of the Papal State as a political-territorial entity whose sovereign was the pontiff. Reinhard further distinguished between "spiritual revenues" that derived from "grace", i.e., from papal concessions requiring money payments made by petitioners (for settlements, dispensations, and indulgences) and those that derived from "justice" and from taxes levied on the clergy (such as annates, *spogli*, and ecclesiastical tithes). Temporal finances were likewise divided between grace revenues (sale of offices) and "justice" income (for example, taxes, duties, and gifts).

1 P. Prodi, *The Papal Prince: One Body and Two Souls. The Papal Monarchy in Early Modern Europe* (Cambridge: 1988). On Prodi's historiography see S. Ditchfield, "Papal Prince or Papal Pastor? Beyond the Prodi Paradigm", *Archivum Historiae Pontificiae* 51 (2013), 117–132.

2 W. Reinhard, "Finanza pontificia e Stato della Chiesa nel XVI e XVII secolo", in A. De Maddalena and H. Kellenbenz, *Finanze e ragion di Stato in Italia e in Germania nella prima Età moderna* (Bologna: 1984), 353–387.

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Reinhard offered an interpretation that aimed to disentangle the dense thicket of institutions, competencies and money flows which scholars – and those in the eighteenth and nineteenth centuries who criticized the Holy See taxation system – often struggled to understand. In particular, his division of the various types of income and expenses into the two macro-categories of grace and justice was not a reiteration of the classical dichotomy between spiritual and temporal, but rather a way of understanding the nature and characteristics of a series of money flows that were administered and spent similarly regardless of their origins, whether they came from the lands of Christendom or from the territories directly under papal rule.

Reinhard also distinguished between two different institutional levels: the local (provincial treasurers, collectors, and tax farmers) and the central (made up of the Apostolic Chamber, the general Depositary, and the secret Treasury). These were, in turn, the products of processes of institutional and managerial stratification that had been in place since the late Middle Ages. Indeed, the competencies of the main financial institutions took shape so slowly and so constantly overlapped that they required a high degree of trial and error and continuous regulatory intervention.[3] For example, in the modern age the Apostolic Datary constituted a sort of second lung, after the Chamber: the pope's "universal gracious curia" in Reinhard's definition, into which there flowed all the revenues from acts of grace connected both to the pope's temporal sovereignty and to his universal authority (dispensations, indulgences, non-consistorial benefits, and settlements not connected to taxation) and whose fundamental role was to manage the venality of curial offices, i.e., the sale of offices in exchange for the disbursement of a salary, actually corresponding to the interest on the purchase price.[4]

After the pioneering research of Jean Delumeau and other scholars,[5] in the 1970s and 1980s historians began to look at papal finances in the modern age

3 M.G. Pastura Ruggiero, *La Reverenda Camera Apostolica e i suoi archivi* (*secoli XV–XVIII*) (Rome: 1987).

4 Reinhard, "Finanza pontificia, sistema beneficiale", 463–468. On this topic, see F. Litva, "L'attività finanziaria della Dataria durante il periodo tridentino", *Archivum Historiae Pontificiae* 5 (1967), 79–174; F. Piola Caselli, "Aspetti del debito pubblico nello Stato pontificio: Gli uffici vacabili", *Annali della Facoltà di Scienze Politiche dell'Università di Perugia* 11 (1970–1972), 101–170; Prodi, *Il sovrano pontefice* 201–204; F. Piola Caselli, "Gerarchie curiali e compravendita degli uffici a Roma tra il XVI e il XVII secolo", *Archivio della Società romana di storia patria* 114 (1991), 117–125; S. Levati, "La venalità delle cariche nello Stato pontificio fra XVI e XVII secolo", *Ricerche storiche* 26 (1996), 525–543.

5 J. Delumeau, *Vie économique et sociale de Rome dans la seconde moitié du XVI^e siècle*, 2 vols. (Paris: 1957 and 1959); M. Monaco, "Le finanze pontificie al tempo di Clemente VII (1523–1534)", *Studi romani* VI (1958), 278–296; C. Rotelli, "La finanza locale pontificia nel Cinquecento: Il caso di Imola", *Studi storici* IX (1968), 107–144.

in an attempt to reconstruct quantitatively, qualitatively, and from an institutional perspective, the Holy See's mechanisms of collecting, spending and borrowing money both in its temporal and spiritual domains.[6] In ways that were somewhat different, Prodi, Reinhard, and Mario Rosa all sought to apply a more complex and qualitative analysis of the political, social, institutional, and financial processes at play.[7] Their different approaches nonetheless shared a common focus on the somewhat problematic and fragmentary documentary sources – whose characteristics I shall return to later – and which are housed mainly in *fonds* of the Vatican's Apostolic Archive, the Vatican Library, and the State Archives of Rome.

From a methodological standpoint, the study of papal finances presents a great many insoluble problems: as may be seen from a comparison of the figures provided by the scholars, there are often glaring discrepancies in the data, depending on the type of sources that were used. We need, in fact, to bear in mind that the Holy See's finances, like those in all early modern regimes, varied considerably in the form and manner that financial records were kept. It follows that we must always exercise extreme caution when interpreting the figures we see in the documentation which are more an approximation of reality than its faithful reproduction. Here the case of the balance sheets of the Apostolic Chamber is very instructive, given that they were never kept according to our own conceptions and, especially, with no standard criteria.[8]

To cover its spending, the Holy See was accustomed to using every type of tax revenue in order to obtain loans on the financial market. This fact meant choosing to collect significantly less than the theoretical yield from every tax in order to have liquidity available for various financial, political, and military requirements. In this regard, Reinhard showed how the main items of

6 M. Caravale, *La finanza pontificia nel Cinquecento: Le provincie del Lazio* (Naples: 1974); W. Reinhard, *Papstfinanz und nepotismus unter Paul v (1605–1621)*, 2 vols. (Stuttgart: 1974); G. Lutz, "Das päpstliche Heer im Jahre 1667: Apostolische Kammer und Nepotismus, römisches Militärbudget in der frühen Neuzeit", *Archivum Historiae Pontificiae* 14 (1976), 169–217; G. Lutz, "Zur Papstfinanz von Klemens IX. bis Alexander VIII. (1667–1691)", *Römische Quartalschrift für christliche Altertumskunde und Kirchengeschichte* 74 (1979), 32–90; P. Partner, "Papal Financial Policy in the Renaissance and Counter-Reformation", *Past & Present* 88 (1980), 17–62; E. Stumpo, *Il capitale finanziario a Roma fra Cinque e Seicento* (Milan: 1985). On this line see the synthesis by P. Partner., "The Papacy and the Papal States", in R. Bonney (ed.), *The Rise of the Fiscal State in Europe c.1200–1815* (Oxford: 1999), 358–380.

7 M. Rosa, "La 'scarsella di Nostro Signore': Aspetti della fiscalità spirituale pontificia nell'età moderna", *Società e Storia* 10 (1987), 818–845.

8 A. Caracciolo, *I bilanci dello Stato ecclesiastico fra XVI e XVII secolo: Una fonte e alcune considerazioni*, in *Méthodologie de l'Histoire et des scienses humaine: Mélanges en l'honneur de Fernand Braudel*, vol. 2 (Toulouse: 1973), 99–103.

expenditure recorded by the Apostolic Chamber in percentage terms as compared to revenues saw a gradual reduction of military spending which declined from 20% in 1576 to 9.4 % in 1689 in spite of peaks and troughs during and after this period varying with wartime necessities. Spending for the purpose of maintaining the court and the Roman Curia, after cresting in 1599 at 13.2% of total expenditures, declined constantly to 5–6% during the last twenty years of the seventeenth century. Expenditures for the administration of the Papal state, which reached a high of 13.8% in 1619 also went gradually down to 5–6% by the end of the century.[9] As we shall see below, the lion's share was represented by the cost of interest servicing the debt.

## 1 A Complex Situation

When considering the complexity of papal taxation in the modern age and the unwieldiness of its mechanisms, which were a far cry from a Weberian ideal (though they were to some extent functional), we need to remember that the catholic world was never fully subject to a free and unconditional exercise of spiritual taxation, given that it was very much in the interest of many princes to limit this taxation, and, especially, to obtain a portion of it for their own purposes. This led to continuous diplomatic negotiations for papal concessions, based on the idea that the Holy See should contribute to the war efforts of the Catholic princes against the Protestants and the Ottomans. These agreements, for example, gave rise to the practice of sharing revenues from the tithes of the clergy in the various regions between their respective princes and the Apostolic Chamber.[10]

In the same way, during the modern age the Papal State, which expanded territorially with the acquisition of Ferrara (1598) and Urbino (1631), never constituted a cohesive unit that was fiscally subject to uniform state taxation. The Papal State occupied the central regions of the Italian peninsula. It was divided into several provinces: Rome and its district, Campagna, Marittima and Latium, Umbria, Sabina, the Duchy of Spoleto, Patrimonio, Marca, the Legation of Bologna and Romagna, the Legation of Ferrara, Comacchio, Urbino, Montefeltro, Benevento (papal enclave in the Kingdom of Naples), Avignon

9 Reinhard, "Finanza pontificia, sistema beneficiale", 366. Cf. also Partner, "Papal Financial Policy", 51–53 and 55–57.

10 M.C. Giannini, *L'oro e la tiara: La costruzione dello spazio fiscale italiano della Santa Sede (1560–1620)* (Bologna: 2003). Cf. also Partner, "Papal Financial Policy", 54–55.

and the Venaissin district (papal enclaves in France). Each province had its own currency and its own system of weights and measures.

Nevertheless, this intermingling of powers and jurisdictions, nominally under the sovereign pontiff, ended up generating a system that was quite innovative for periods of public debt. Its history – perhaps along with that of "spiritual" taxation – is one of the topics that has been most pondered by the scholarship since Clemens Bauer's 1927 essay.[11] The Holy See's "consolidated" debt represented, in effect, one of the earliest systems of access to financial markets, first through the sale of offices and later with the launching of the *Monte della Fede* by Clement VII (1523–1534) in 1526.[12] This latter event paved the way for the emergence of numerous other *Monti* of the Apostolic Chamber which, in turn, from the second half of the sixteenth century and for the entire modern age provided a pattern for local communities and baronial families who obtained authorization from the sovereign to float their own *Monti*, also in order to pay their taxes.[13]

In general, the institution of a monte involved the issuing of *luoghi di monte* (bonds) at a nominal value of 100 Roman silver *scudi* for a determined principal and which were put up for sale by the Apostolic Chamber. Every *luogo* gave its purchaser the right to receive a predetermined annual interest payment, deriving from fiscal revenues whose sources might be either spiritual or temporal and were often both together. It is important to note that the *Monti* could be "vacatable", that is, restricted to the lifetime of the investors and which when the holder died were repossessed by the Apostolic Chamber which usually extinguished them or resold them. Since the risk margin was higher, these bonds entitled their holders to receive a higher interest rate. The second type of *Monti* were called "non vacatable", in other words, perpetual: in this case, the bonds, upon the death of the holder, passed to their heirs and, in view of their greater security and stability over time, they yielded lower interest. They could, of course, always be extinguished if the principal that had been invested in the purchase of the bonds in question was returned.

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11 C. Bauer, "Die Epochen der Papstfinanz: Ein Die Epochen der Papstfinanz. Ein Versuch", *Historische Zeitschrift* 138 (1927), 457–503.

12 M. Monaco, "Il primo debito pubblico pontificio: Il Monte della Fede (1526)", *Studi Romani* VIII (1960), 553–569.

13 F. Piola Caselli, "Una montagna di debiti: I monti baronali dell'aristocrazia romana nel Seicento", *Roma moderna e contemporanea* 1 (1993), 21–55; M. Carboni, *Il debito della città: Mercato del credito, fisco e società a Bologna fra Cinque e Seicento* (Bologna: 1995); F. Colzi, *Il debito pubblico del Campidoglio: Finanza comunale e circolazione dei titoli a Roma fra Cinque e Seicento* (Naples: 1999); R. Masini, *Il debito pubblico pontificio a fine Seicento: I monti camerali* (Rome: 2005), 103–114.

Finally one fundamental feature of the *luoghi non vacabili* (non-vacatable bonds) was that they could freely traded on the flourishing secondary market for the Holy See's bonds: the *luoghi di Monte*, moreover, maintained a market value that was significantly higher than their nominal value of 100 Roman silver *scudi*. As soon as a *Monte* was issued, individual financiers or banking firms, Genovese or Florentine, conducted massive operations to acquire the *luoghi* for the purpose of later selling them, thus earning profits from the difference between their nominal value and their market value.[14]

Partner has shown how the amount of capital raised by the Apostolic Chamber through non-vacatable *Monti* grew steadily until, by the third quarter of the sixteenth century, it far exceeded that of the vacatable *Monti*, resulting in a ratio that was highly skewed in favor of the former. For example, in 1613 the capital from non-vacatable *Monti* was the equivalent of 8,117,000 Roman silver *scudi* as compared to 1,747,200 for the vacatable *Monti*.[15]

In order to administer this complex system, a veritable small "mixed" bureaucracy began to take shape, to which our current conceptions of public and private are difficult to apply: in fact, the bondholders themselves, the *montisti* as they were called, assumed a managerial role in order to ensure the timely payment of interest and to control the flows of money in and out of each *Monte*.[16]

Scholars quantifying the evolution of the Holy See's public debt have shown how it proved to be one of the most solid and durable among all the states of early modern Europe and how it brought significant flows of capital into the coffers of the Apostolic Chamber (Graph 17.1).

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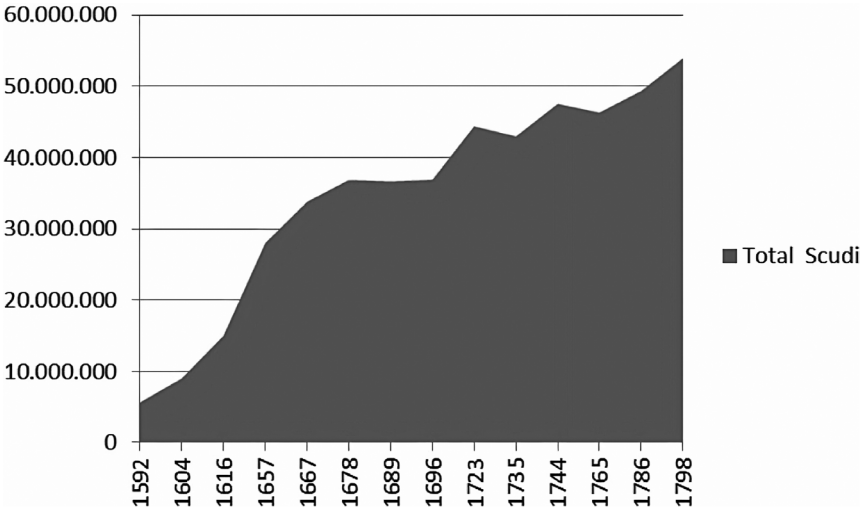
14 Delumeau, *Vie économique*, vol. II, 858–860; F. Piola Caselli, "La diffusione dei luoghi di Monte della Camera apostolica alla fine del XVI secolo: Capitali investiti e rendimenti", in *Credito e sviluppo economico in Italia dal Medio Evo all'Età contemporanea. Atti del primo convegno nazionale, 4–6 giugno 1987* (Verona: 1988), 194–196 and 208–211 and id., "La disciplina amministrativa ed il trattamento fiscale dei luoghi di Monte della Camera apostolica tra il XVI e il XVII secolo", in *Historia económica y de las instituciones financieras en Europa: Trabajos en homenaje a Ferran Valls i Taberner*, vol. XII (Barcelona: 1989), 3525–3549. On banking firms active in Rome in the sixteenth century, see M.M. Bullard, "*Mercatores Florentini Romanam Curiam Sequentes* in the Early Sixteenth Century", *Journal of Medieval and Renaissance Studies* VI (1976), 51–71, and F. Guidi Bruscoli, *Papal Banking in Renaissance Rome: Benvenuto Olivieri and Paul III, 1534–1549* (Aldershot – Burlington: 2007).

15 Partner, "Papal Financial Policy", 26.

16 M. Isenmann, *Die Verwaltung der päpstlichen Staatsschuld in der Frühen Neuzeit: Sekretariat, Computisterie und Depositerie der Monti vom 16. bis zum ausgehenden 18. Jahrhundert* (Stuttgart: 2005).




GRAPH 17.1 Trend of capital underwritten in the Papal States (in Roman silver *scudi di moneta*)
SOURCE: D. STRANGIO, "PUBLIC DEBT IN THE PAPAL STATES, SIXTEENTH TO EIGHTEENTH CENTURY", *JOURNAL OF INTERDISCIPLINARY HISTORY* 43 (2013), 521

Of course, in exchange, the Apostolic Chamber was expected to make sizeable interest payments to the bondholders, the *montisti*. As I have said, these sums were raised not only from the taxes collected from within the Papal States, which increased during the latter half of the sixteenth century,[17] but also from circuits related to spiritual sources: for example, from 1555 the twelve monastic Congregations of Italy (Cassinese, Laterans, Olivetans, Carthusians, Canons Regular of Saint George in Alga, Congregation of S. Salvatore, Vallombrosians, Hieronymites, Camaldolese, Crosiers, Cistcercians and the Celestines) which included the wealthiest monasteries in the peninsula, were involved in paying the interest on the *Monte Novennale*, issued by Paul IV (1555–1559) for the gigantic sum of 30,000 gold *scudi*. This was arranged by way of a settlement, that is, in exchange for a tax exemption on one quarter of revenues, issued in 1544.[18]

Other popes also drew from the coffers of the Congregations, always for the same purpose: the best known case in point is that of Pius V (1566–1572) who in 1571 issued the *Monte delle Religioni* for a capital of 400,000 gold *scudi* intended to finance the Holy League and the war against the Ottomans and

17 Partner, "Papal Financial Policy", 45–46.
18 Giannini, *L'oro e la tiara,* 26–28.

whose annual interest of 32,000 was paid out by the twelve Congregations.[19] Essentially, the papal Curia succeeded in activating, through the use of tithes, *spogli*, and other taxes on the clergy, a veritable Italian taxation circuit, at a time when the Protestant Reformation, on the one hand, and the policies of European sovereigns, on the other, made the traditional raising of revenues from spiritual sources in Catholic Europe rather complex. This circuit made up for the fact (though it is difficult to quantify how much) that during the first two decades of the seventeenth century spiritual taxation represented slightly less than one third of the Holy See's total revenues.[20]

During this period the papacy also spent significant sums – both from Italian "spiritual" and "temporal" sources – not only on maintaining the Papal State (which included the construction of public works, churches and raising monuments in Rome) but also on financing Catholic armies in the numerous sixteenth and seventeenth century wars against the Protestants and the Ottoman Turks.

Unquestionably, the diverse and stratified fiscal circuits, headed by different institutions of the Holy See, make it particularly difficult to analyze the papal taxation system. In looking at how it evolved over time, several scholars have attempted to identify it with processes of state modernization analogous to what was going on in other parts of Europe. The two most frequently cited cases are the *sussidio triennale* (introduced by Paul III in 1544 and not in 1543 as is often erroneously reported) and the *tassa delle galere* (instituted by Sixtus V in 1587) which were imposed throughout the entire territory of the Papal State and which included the clergy: some historians have interpreted this act as a fundamental transition towards what they presume to be a modern taxation system.[21] In reality, these new taxes maintained an entirely traditional arrangement, in line with taxation practices of the age since they were apportioned out among the various provinces according to the typical *ancien regime* model of joint community responsibility. Communities were, in fact, left free how to apply the tax in order to raise the monies requested by the Apostolic Chamber: this meant they resorted to the traditional indirect tax on widely consumed commodities, which they contracted out to private operators. Not only this: the *tassa delle galere* brought in highly irregular revenues. Indeed, both communities and the clergy sought all kinds of loopholes to avoid meeting their tax obligations.[22]

19 Giannini, *L'oro e la tiara*, 78–79.

20 Partner, "Papal Financial Policy", 48–49.

21 A. Gardi, "La fiscalità pontificia tra medioevo ed età moderna", *Società e Storia* 9 (1986), 509–557.

22 Stumpo, *Il capitale finanziario a Roma*, 105–106.

## 2 The Holy See's Italian Fiscal Space

In order to understand what the Holy See's fiscal space was and how this operated we should look at how the clergy was taxed under the pontificate of Urban VIII (1623–1644). While the Thirty Years' War was raging in Europe, in 1630 the Pope, in an effort to find money for the Holy See, resorted to a tried and true mechanism: he demanded a subsidy from the twelve Congregations. In the month of March 1630 the Congregations offered him – in reality this was the result of a negotiation – a subsidy of 100,000 *scudi* for the defense of the Papal State. The Pope designated this money for the purpose of raising capital from the *Monte delle Religioni II*. In this way the Congregations would not have to disburse the enormous sum – which would be raised directly by the Apostolic Chamber through the sale of 1000 *luoghi* – but they would bear the burden of paying the corresponding interest.[23]

Gustav Adolphus of Sweden's overwhelming victory over the imperial troops at the battle of Breitenfeld in September 1631 forced Urban VIII to provide subsidies to Ferdinand II of Hapsburg. In mid-December of that year the cardinal-nephew Francesco Barberini informed the nuncio in Naples of the Pope's decision to support the Catholic cause in Germany with a subsidy of 10,000 *scudi* a month, to be divided in equal parts between the emperor and the Catholic League. As regards the duration of that commitment, the Holy See was not in a position to offer any excessive guarantees. However, it was important for Barberini that the nuncio should make it clear to the viceroy that, given the difficult state of papal finances, the Holy See would turn to the financial market in order to raise the money for the subsidy. Interests and principal on the sums raised by the loans would be paid from the proceeds of the tithes the Pope was planning to impose on the clergy of the Italian peninsula, as his predecessors had done in similar situations.[24]

Urban VIII gave instructions to Stefano Durazzo, general treasurer of the Apostolic Chamber, to send 12,000 thalers (the equivalent of 10,000 Roman silver *scudi*) every month from January 1, 1632 to Germany: one half of this sum would be paid to the nuncio at the imperial court, the other half to the nuncio in Cologne. For the purpose of meeting this expense, the Pope ordered that the Chamber should issue 1000 *luoghi di Monte* to be sold *en bloc* to the eminent

23 Chirograph of Urban VIII to Stefano Durazzo, general treasurer of the Apostolic Chamber, Rome, March 20, 1630, in *Bullarium Canonicorum Regularium Congregationis Sanctissimi Salvatoris*, II (Romae, Typis Reverendae Camerae Apostolicae: 1730), 136–137.

24 Archivio Apostolico Vaticano (hereafter AAV), *Segr. Stato, Napoli*, vol. 30, f. 104, cardinal Barberini to the nuncio Nicolò Herrera (in cypher), Rome, December 13, 1631.

banker Giovanni Francesco Sacchetti at the price of 106 *scudi* each. For the payment of interest, a sum of 5000 *scudi* a year was assigned which would be obtained from an advance on what the Treasury of Romagna paid every year to mantain the military presidium in Avignon. Since the tithes on the clergy were earmarked to finance the subsidy, once these had been collected, 1000 luoghi would be extinguished from one of the Chamber's *Monti*.[25]

It was only after imparting these instructions to the heads of the Apostolic Chamber, that on January 19, 1632, Urban VIII informed the Sacred College of his decision. The laconically worded report of the session of the consistory reveals how by now the question of taxing the Italian clergy was considered the pope's exclusive prerogative, a matter over which the cardinals were not even asked to express their opinions (as they had done the previous century): Urban VIII "brevi et ad praesens negotium accomodato sermone usus sex decimarum super beneficijs ecclesiasticis in Italia imposuit".[26] On the same date the pope put his seal on the bull imposing six tithes on all the Italian clergy's incomes, including pensions, to be paid within a period of three years. As usual, exemptions were declared for the twelve monastic Congregations by virtue of the agreement made two years earlier, for the cardinals, and for the Order of the Knights of the Hospital of Saint John of Jerusalem. The task of establishing the rates (based on the so-called true annual value of income or tax to be agreed upon) was given to the cardinal *camerlengo* Ippolito Aldobrandini (1596–1638) and to the general treasurer Durazzo.[27] The complex collection machinery was set into motion, much slower than the papal decisions that decreed it. For example, it was not until August that the *camerlengo* (the Chief of the Apostolic Chamber) issued the edict regarding the tax to be paid by the clergy of the city of Rome. It was thanks to a decision by the pope himself that the different ecclesiastical categories and institutions in Rome would only be required to pay the same amounts as specified for the six tithes imposed by Clement VIII (1592–1605) in 1594 to finance the emperor in the war against the

25 Archivio di Stato di Roma (hereafter ASR), *Camerale II*, *Nunziature*, b. 9, register of the "Sussidij dati alla Maestà Cesarea et Lega Cattolica dall'anno 1632 all'anno 1634 della Nuntiatura dell'Em.mo et R.mo Sig.r Cardinale Rocci", Urban VIII to Stefano Durazzo, Rome, January 17, 1632.

26 AAV, *Arch. Concist.*, *Acta Camerarii*, vol. 17, f. 7r, Rome, January 19, 1632.

27 AAV, *Misc. Arm. IV–V*, vol. 36, ff. 60–63r, "S.mi D.N.D. Urbani Divina Providentia Papae VIII Indictio Sex Decimarum super omnibus fructibus Ecclesiasticis Italiae" (printed), Rome, January 1, 1632 (also in ASR, *Biblioteca*, *Bandi*, b. 15, doc. 5). The text has also been published, with an error in the date as it did not take into account the style of *Annus Incarnationis* in *Bullarium Romanum: Bullarum diplomatorum et privilegiorum Sanctorum Romanorum Pontificum Taurinensis editio*, t. XIV (Augustae Taurinorum: 1868), 192–198.

Ottomans in Hungary and which amounted to 34,689 *scudi*.[28] This represented a significant discount given that in the intervening thirty-eight years revenues must have increased to varying degrees.

The imposition of tithes on ecclesiastical incomes in Italy relieved the Holy See of the need to disburse the money out of its own pocket, but the operation was also not easy to manage and, above all, it made liquidity immediately available by only resorting to loans from Genovese and Florentine banking groups. In a procedure that had become established in the latter half of the sixteenth and early seventeenth century, the *camerlengo* informed the bishops of the imposition of the papal tithes. Moreover, in January 1633 the *camerlengo* specified that, by order of the pope, all revenues from benefices and ecclesiastical institutions that had come into existence after 1594 would be taxed by the clergy of the dioceses they belonged to according to the criteria in force there. In order to avoid abuses, before collection took place, the diocesan sub-collectors were instructed to send the list of these benefices and institutions to Rome, with their annual revenues, the duties and taxes that had been charged to them for the payment of tithes.[29]

The collection, as far as we know, did not take place in two Italian states: the Duchy of Savoy and the Republic of Venice. In the case of Savoy, this might have been due to the difficult economic situation of the clergy there, who were already required by the Holy See to pay subsidies to the duke, while for the Serenissima, its difficult relationship with Urban VIII may have played a role, as well as the fact that Venice had obtained the right to collect many tithes on the clergy within its own territory and it tended to defend these privileges jealously. It is interesting to note that inflows of money into the Apostolic Chamber's coffers ran into a number of problems as a result of the difficult economic situation in Italy which had become a theatre of war: in this regard, an edict of the *camerlengo* in September 1634 denounced the practice of the agents of the Italian bishops and dioceses in charge of sending money to Rome, of withholding the sums for their own purposes.[30]

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28 ASR, *Biblioteca*, *Bandi*, b. 15, doc. 104, "Decime di Roma" (printed), published by the *camerlengo* cardinal Ippolito Aldobrandini, Rome, August 6, 1632; *Ibid*., doc. 118, "Editto sopra il pagamento delle Decime di Roma" (printed), of the *camerlengo* Aldobrandini, Rome, November 26, 1632.

29 AAV, *Misc. Arm. IV–V*, vol. 36, f. 70r, "Decretum super taxatione beneficiorum etc. erectorum ab anno 1594 citra pro solutione decimarum" of the *camerlengo* cardinal Aldobrandini (printed), Rome, January 14, 1633 (also in ASR, *Biblioteca*, *Bandi*, b. 15, doc. 126).

30 AAV, *Misc. Arm. IV–V*, vol. 36, f. 78r, "Editto contro li Agenti, Procuratori, et altri a quali sono stati remessi denari per pagare le Decime alla Camera Apostolica, e non gl'hanno

In any case, before collection of the tithes was complete, the deteriorating situation in Germany led Urban VIII in March 1634 to impose a new tax on the clergy in Italy. After notifying the Sacred College, the pope issued a bull declaring the urgent need to support the catholic cause in Germany, revoking collection of the third installment of the six tithes and instituting a tax with a ten-year duration that would amount to 2% of the real annual income of ecclesiastical benefices, revenues and pensions, with exemptions for cardinals, the Order of the Knights of the Hospital of Saint John of Jerusalem and the twelve Congregations (by virtue of the already existing arrangement). Explicitly mentioned as being subject to the tax were the regular and military orders.[31] This 2% tax was also used in order to access the financial market. In May 1635 Urban VIII ordered that 2000 *luoghi di monte* be issued (1,000 on the *Monte delle Lumiere*, 500 on the *Monte del Sale* and 500 on that of the *Novennale*) to be sold at 107 Roman silver *scudi* each and whose interest would be paid from the revenues collected from the new tax on the Italian clergy.[32]

Some tallies dating to August 1640 help shed light on revenue flows from the six tenths and the 2% tax which, on that date, amounted to 352,549 *scudi*. In the meantime, 492,493 *scudi* were spent on subsidies for the emperor and the German Catholic League. We should, however, remember the former amount did not directly go to paying the subsidies. In fact, as many as 233,890 *scudi* (coming from the 2% tax alone) were used to extinguish the 2,338 *luoghi di monte*. In the same way, 270,000 *scudi* of subsidies were raised by issuing 2,700 *luoghi di monte* at 5% interest. Proceeds from the tithes and the 2% tax thus covered the interest payments on these bonds with an outlay of 69,416 *scudi* for the period July 1632–December 1638 (Table 17.1).

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pagati", del cardinale Aldobrandini (printed), Rome, September 1, 1634 (also in ASR, *Biblioteca*, *Bandi*, *Camerlengo*, b. 366, doc. 283).

31 AAV, *Arch. Concist.*, *Acta Camerarii*, vol. 17, f. 65v, Rome, March 22, 1634; ASV, *Misc. Arm. IV–V*, vol. 36, fols. 64–68r, "S.D.N.D. Urbani Divina Providentia Papae VIII Litterae Indictionis seu Impositionis duorum pro Centenario super omnibus fructibus, et pensionibus Ecclesiasticis Universae Italiae" (printed), Rome, March 22, 1634 (also in ASR, *Biblioteca*, *Bandi*, b. 15, doc. 142). The importance of the *Bullarium casinense, seu Constitutiones Summorum Pontificum, Imperatorum, Regum, Principum, et Decreta Sacrorum Congregationum*, per C. Margarinum, t. I (Venetiis, Typis Omnibenij Ferretti: 1650), 315–318; *Bullarium Canonicorum Regularium Congregationis Sanctissimi Salvatoris*, II 138–144; *Bullarium Romanum*, t. XIV 378–384.

32 ASR, *Camerale II*, *Nunziature*, b. 9, register of the "Sussidij dati alla Maestà Cesarea et Lega Cattolica dall'anno 1632 all'anno 1634 della Nuntiatura dell'Em.mo et R.mo Sig.r Cardinale Rocci", Urban VIII to Stefano Durazzo, Castel Gandolfo, May 14, 1635.

TABLE 17.1 Income and expenditures in relation to the six tithes and the 2% tax (1632–August 1640) in Roman silver *scudi*

| Income | | Expenditures | |
|---|---|---|---|
| Tithe and 2% tax (net of expenses) | 352.549. 40 | Subsidies to the Emperor and the German Catholic League (1632–1633) | 274,015. 64 |
| | | Subsidies to the emperor and the German Catholic League (1634) | 200,000 |
| | | Subsidies to the Catholic League (via Cracow) | 12,758. 78 |
| | | Extinction of 2,338 luoghi di Monte (with revenue only from the 2% tax) | 233,890 |

SOURCE: ASR, *CAMERALE II*, *NUNZIATURE*, B. 9, "SUSSIDIJ DATI ALLA MAESTÀ CESAREA ET LEGA CATTOLICA DALL'ANNO 1632 ALL'ANNO 1634 DELLA NUNTIATURA DELL'EM.MO ET. R.MO SIG.R CARDINALE ROCCI", "CONTO DEL DARE, ET HAVERE DATO ALLI 10 FEBBRAIO 1639" AND ANOTHER DOCUMENT OF 1640.

It is clear that, once it had been constructed, the Holy See's fiscal space in Italy proved to be too useful to be abandoned. Accordingly, in 1661 pope Alexander VII (1655–1667) turned to it again imposing an annual tax of 40,000 *scudi* to be paid for ten years by what were now eleven monastic Congregations – the Congregations of Crosiers having been suppressed by the same Pope in 1656 and the proceeds from the sale of their property had been given to the Venetian Republic as a subsidy for the war against the Ottomans[33] –, in exchange for exempting the Italian clergy from the tithes.[34]

## 3 The Holy See's Consolidated Debt

As we know even today, debt is a two-edged sword. There is no question that the interest rates paid by the Apostolic Chamber to bondholders hovered in the Sixteenth century between 10 and 12 percent, while during the second half

33 E. Camozzi, "Le istituzioni monastiche e religiose a Bergamo nel Seicento: Contributo alla storia della soppressione innocenziana nella Repubblica veneta", in *Bergomum. Bollettino della Civica Biblioteca* 75 (1981), 27–28.

34 Bull issued by Alessander VII, Rome, November 11, 1661, in *Bullarium Romanum*, t. XVI, 726–730 and Stumpo, *Il capitale finanziario a Roma*, 197–198.

of the seventeenth century they were set at 4 percent, a fact that also reflected the security of the investment.[35] The other side of the coin is represented by the fact that interest payments on the debt were taking up an increasingly large share of the Holy See's revenues. According to the Chamber's balance sheet of 1652, a share of more than 52% of revenues and 57% of expenditures were allocated for interest payments. For that reason, in 1656 pope Alexander VII decided to extinguish the vacatable *Monti* whose capital was transferred to the non-vacatable *Monte Ristorato I*, whose annual interest rate was 4%, which was followed by the floating of the *Monte Ristorato II*, also not vacatable and which had the same interest rate. Interest rates on the other non-vacatable monti were also reduced to 4%. Thus, in 1657 the Apostolic Chamber's total debt amounted to 28 million Roman silver *scudi* on which 1,137,000 *scudi* were paid out as interest as against total revenues of 2,600,000 *scudi*.[36] However, the situation did not improve: in 1669 interest payments on the debt accounted for 59% of income and 57% of expenditures; and by 1678 they had risen to over 64% as a share of revenues and 66% of expenditures. This led inevitably to a real term higher fiscal pressure within the Papal State which still was not enough to cover the growing debt.[37]

Between 1684 and 1687 pope Innocent XI (1676–1689), from a family of Lombard merchants and author of a series of spending cuts made for the sake of thrift, entrusted the treasurer general Giovan Francesco Negroni with the task of supervising the restructuring of the debt of the Holy See's monti, an operation which was conducted by amortizing several monti and launching new Monti San Pietro (at 4% interest). In effect, the operation led to a reduction of total interest expenditures to 50% of revenues in 1689 which translated into budget surpluses for the Chamber that lasted until 1692.[38] This achievement, however, was of short duration, as in 1708 interest on debt represented 60.6% of the Chamber's revenues and over 72% of its expenditures.[39]

Continuing to add to the debt were the financial subsidies Innocent XI sent to the emperor and his allies for the new war against the Ottomans, an item

35 Masini, *Il debito pubblico pontificio a fine Seicento*, 79 and 83–96.

36 Stumpo, *Il capitale finanziario a Roma*, 258–259 and Masini, *Il debito pubblico pontificio a fine Seicento*, 121–127.

37 Masini, *Il debito pubblico pontificio a fine Seicento*, 40–43 and 49.

38 Masini, *Il debito pubblico pontificio a fine Seicento*, 128–141. On the balance sheets, see H. Gross, *Rome in the Age of Enlightenment: The Post-Tridentine Syndrome and the Ancien Regime* (Cambridge: 1990), 120. On the figure of Innocent XI, the book by R. Bösel, A. Menniti Ippolito and M.A. Visceglia (eds.), *Innocenzo XI Odescalchi: Papa, politico, committente* (Rome: 2014).

39 Masini, *Il debito pubblico pontificio a fine Seicento*, 49.

that was hard to quantify, though still considerable. Between 1684 and 1689 the Apostolic Chamber is thought to have dispatched more than 1,800,000 *scudi* to Poland, Germany and Venice for the war against the Ottomans.[40] The problem always remains the same: the great difficulty in determining where these sums came from and tracing their flows from the time when they were collected to when they actually were spent.

## 4 Seeking a New Equilibrium

Much detailed analysis still needs to be performed of the papacy's political-financial problems during the course of the eighteenth century, notwithstanding the important scholarship done in the mid-Twentieth century[41] and several more recent studies on trends of its debt.[42] In particular, an approach could perhaps be adopted that embraces both the state context together with the remnants of spiritual taxation – at the same time connecting these with administrative developments and with the political affairs and wartime events of the time.

If we look at the balance sheets of the Apostolic Chamber between 1729 and 1740 we can observe an ongoing state of imbalance between revenue and expenditures which had a lot to do with the military conflicts of the time. Given this context, we are justified in assuming that there was a gradual and substantial reduction of revenue from spiritual sources. This phenomenon was itself the result of the jurisdictional policies of the Catholic rulers which were aimed at limiting any type of immunity or fiscal privilege and, above all, at preventing the outflow of money from their territories into the Holy See's coffers.[43]

The difficult economic conditions inside the Papal State, in turn, made taxation increasingly problematic, all the more so, given the presence of a vast series of exemptions and immunities, lay and ecclesiastic, which contributed to removing a significant portion of the papal tax base. A typical example of

40 Masini, *Il debito pubblico pontificio a fine Seicento*, 63–65.

41 L. Dal Pane, *Lo Stato pontificio e il movimento riformatore del Settecento* (Milan: 1959) and F. Venturi, "Elementi e tentativi di riforme nello Stato pontificio del Settecento", *Rivista Storica Italiana* 75 (1963), 778–803.

42 D. Strangio, *Il debito pubblico pontificio: Cambiamento e continuità nella finanza pontificia dal periodo francese alla restaurazione romana 1798–1820* (Padua: 2001); D. Strangio, "Debito pubblico e sistema fiscale a Roma e nello Stato pontificio tra '600 e '700", in S. Cavaciocchi (ed.), *La fiscalità nell'economia europea secc. XIII–XVIII* (Florence: 2008), 499–508 and Strangio, "Public Debt in the Papal States", 526–535. See also S. Tabacchi, *Il Buon Governo: Le finanze locali nello Stato della Chiesa* (*secoli XVI–XVIII*) (Rome: 2007).

43 Gross, *Rome in the Age of Enlightenment*, 130–131.

this situation was the attempt by Clement XI (1700–1721) in August 1708 to introduce a series of tax increases including the new *tassa del milione* ("one million of Roman *scudi* tax") which involved a levy on the incomes of all papal subjects, including those who had been exempt. The fact is that the Holy See was in desperate need of money to cover its military expenses due to the war. The *tassa del milione* found so many obstacles in its way that it was abolished already in 1710.[44]

The election of Benedict XIV (1740–1758) to the papacy ushered in an era of prudent policy aimed at reining in public spending. The new pope took a series of steps to reorganize the entire fiscal and financial system of the Holy See which had now become decrepit and was still using management mechanisms that, in many cases, dated back to the fifteenth and sixteenth centuries. In September 1743, Benedict XIV appointed the Milanese prelate Giovan Battista Mesmer (1671–1760) treasurer general of the Apostolic Chamber, assigning him the task of implementing measures aimed at reorganizing the Apostolic Chamber's operations. In fact, between July and September of the same year the pope ordered that the Monte di Pietà in Rome should assume the very important role of General Depositary, which was taken away from the bankers who for centuries had monopolized it and reaped enormous profits. This measure was followed in December by the effective transfer to the same General Depositary of the functions of various other offices, including those of the Depositaries of the *Monti camerali* and of the Papal Mint.[45]

Subsequently, Benedict XIV requested a commission, made up of cardinals Silvio Valenti Gonzaga and Antonio Saverio Gentili, the newly appointed treasurer Mesmer, monsignor Giovanni Giuliano Rubini commissioner general of the Chamber and Francesco Simonetti, chief accountant of the Apostolic Datary to discuss Simonetti's plan to overhaul the entire financial administration starting with accounting records. The work of the commission concluded in November 1743 and one month later the pope issued a decree creating a single General Accounting Office to take the place of the three preexisting ones.[46] In the later bull *Apostolicae Sedis Aerarius* (April 18, 1746), Benedict XIV enacted a further change to the Holy See's financial administration which adopted the congregation's recommendations. These were aimed at amalgamating the clutter of accounting offices into a single institution, the *Computisteria generale*

44 L. Nina, *Le finanze pontificie sotto Clemente XI* (*tassa del milione*) (Milan: 1928) and N. La Marca, *Tentativi di riforme economiche nel Settecento romano* (Rome: 1969), 18–24.

45 Motu proprio di Benedetto XIV, Rome, July 31 and December 4, 1743, published in Isenmann, *Die Verwaltung der päpstlichen Staatsschuld*, 151–154 and 155–156. Cf. La Marca, *Tentativi di riforme economiche,* 112–117.

46 La Marca, *Tentativi di riforme economiche*, 68–72.

(General Accounting Office) whose task was to draw up the Chamber's balance sheets using standard criteria and copies of which only the pope and the treasurer were authorized to receive. No spending could be undertaken by the General Accounting Office without the written mandate of the Secretary of State or the treasurer. Finally, a special economic Congregation was given the task of overseeing the implementation of the reform. Members of this body included cardinals Albani, Gentili, Riviera and Valenti Gonzaga, Mesmer, Rubini who was its secretary and the auditor Clemente Argenvilliers. The congregation met regularly from July 1746 until September 1748 when it was able to announce to the pontiff that the reform had been fully implemented.[47]

One of Benedict XIV's many acts worth noting is the "redemption" or repayment of the capital of the *Monte delle Religioni*: this was not a simple operation given that it had begun to be discussed in 1743 and was only completed in 1753. After two centuries the monastic Congregations in Italy were graciously allowed to stop their annual disbursement to the Apostolic Chamber of 32,000 gold *scudi* in exchange for the enormous lump sum payment of over 1,600,000 *scudi*.[48]

This and other interventions help explain why in subsequent decades the Chamber's balance sheets showed a substantial equilibrium between income and expenditures. However, matters appear decidedly less rosy if we look at the interest paid on papal debt as a share of total revenue which in 1744 jumped to 64% and by mid-century was hovering between 56 and 63%. It was not until 1787 that the trend reversed with the portion of interest declining from 58 to 50%.[49] In any case, the amount of public debt rose constantly between the 1730s and 1780s (Table 17.2).

All of this occurred, moreover, as the Apostolic Chamber's deficit was again growing: in fact, while the three-year period 1744–1746 saw an annual surplus of 110,509 *scudi*, the period 1764–66 recorded an annual shortfall of 71,744 *scudi*. If we take a close look at the balance sheet just for 1766, it was already then calculated that, as a result of a number of hidden items, the deficit was in reality 99,574 *scudi*. We should not, in fact, forget that public debt was the instrument the Holy See turned to in those difficult economic times in order to fund its welfare policies and support local finances.[50]

This, in turn, meant that during the latter half of the eighteenth century, both the Apostolic Chamber's financial difficulties, as well as those of the local

47 La Marca, *Tentativi di riforme economiche*, 72–74.

48 Stumpo, *Il capitale finanziario a Roma,* 197–198 and T. Leccisotti, "Per la storia della Congregazione cassinese", *Benedictina* 16 (1969), 136–138.

49 Gross, *Rome in the Age of Enlightenment*, 132–133.

50 E. Piscitelli, *La riforma di Pio VI e gli scrittori economici romani* (Milan: 1958), 40–41 and Strangio, "Public Debt in the Papal States", 526–535.

TABLE 17.2 The amount of pontifical public debt during some years of the XVIIIth century (in Roman silver *scudi di moneta*)

| | |
|---|---|
| 1735 | 42,035,425 |
| 1736 | 42,492,193 |
| 1737 | 42,785,897 |
| 1738 | 43,053,517 |
| | |
| 1765 | 46,299,068 |
| 1766 | 46,751,127 |
| 1767 | 47,182,774 |
| 1768 | 47,379,189 |
| | |
| 1780 | 48,030,825 |
| 1781 | 48,726,004 |
| 1782 | 48,819,085 |
| 1783 | 48,963,720 |

SOURCE: STRANGIO, "PUBLIC DEBT IN THE PAPAL STATES", 531–533.

communities in the Papal State, in addition to the rise in military spending which was around 19% of the total,[51] led to a heavy debt burden and to the stagnation of a system marked by the typical features of the *ancien regime*: privilege and class distinction. We are justified in supposing that the papal tax base had shrunk drastically since it was no longer able to operate throughout the Catholic world or at least in the Italian peninsula as it had done in the sixteenth and seventeenth centuries. In this way it permanently lost a rather precious resource, confining itself to just the small territory of the Papal State.

Various popes reacted to this situation by coming up with plans to reform the tax system which the privileged classes and communities opposed with remarkable success. An exemplary case was that of the general treasurer of the Apostolic Chamber, Giovanni Antonio Braschi who, in 1767, drafted an ambitious project to reform papal finances aimed at reducing the debts both of the Chamber and the communities. The project was inspired by an essentially mercantile vision and it involved a series of measures: the abolition of all the Chamber's various taxes, to be replaced by only three taxes (on wheat, on salt

51 Gross, *Rome in the Age of Enlightenment*, 140.

and land appraisal); the suppression of various taxes that had been contracted out to private bankers; the elimination of all internal tolls and *gabelles*; the assumption by the state of the communities' debts; and finally the abolition of the provincial treasuries which were also contracted out. However, in 1769, the death of Pope Clement XIII (1758–1769), Braschi's patron, prevented effective implementation of the proposed measures.[52]

It was only in 1776, after Braschi himself became pope taking the name Pius VI (1775–1799), that the machine laboriously cranked up again: he instituted a new *Congregazione particolare* with the task of studying a series of fiscal reforms. Of interest is the language used by the pope in his *motu proprio* of July 27, 1776 creating the Congregation and which is typical of the enlightened monarch: "the happiness of any State depends chiefly on a judicious public economy, an exact distributive justice in taxes and the apportionment of public and community burdens."[53] This time the interventions focused on carrying out a census of property holdings which resulted in a cadaster based on modern criteria and on the elimination of domestic tariffs. Here again efforts to effect change met with concerted opposition from all the various socially privileged segments who aligned in order to protect their respective interests. By the end of the century, of the many reforms that were attempted and never completed, only the abolition of domestic tariffs within the Papal State could be said to have been truly implemented.[54] It is certainly no coincidence that from 1789 until 1796, on the eve of the French army's descent into Italy under Napoleon Bonaparte, the Apostolic Chamber's deficits continued to grow, reaching 1,136,905 *scudi* in 1796, also as a result of military spending which rose precipitously in 1793 and 1796 and which accounted respectively for 34.6% and 26.6% of expenditures. In those same years interest payments servicing the debt represented a massive 43% and nearly 50% of expenditures.[55]

In conclusion, we can safely affirm that of the two bodies the papacy was endowed with in the modern age, only one survived to the end of the *ancien regime*: its territorial body which certainly was unable to sustain a complex financial system burdened by a consolidated debt that was all out of proportion to its actual capacities.

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52 Piscitelli, *La riforma di Pio VI*, 37–47.

53 La Marca, *Tentativi di riforme economiche* 112. On the figure of Pius VI, see M. Mengozzi (ed.), *I pontificati di Pio VI e Pio VII. Atti del Convegno internazionale, Cesena, 9 ottobre 1999* (Cesena: 2000).

54 Piscitelli, *La riforma di Pio VI* 47–54 and S. Tabacchi, "Land registers and cadastral policy in the Papal State (17th–18th century)", *Jahrbuch für Europäische Verwaltungsgeschichte* XII (2001), 121–144.

55 Gross, *Rome in the Age of Enlightenment*, 123, 133, and 140.

CHAPTER 18

# The New World by Francesco Ingoli, First Secretary of *Propaganda Fide*

*Giovanni Pizzorusso*

In 1622 Pope Gregory XV founded the Sacred Congregation *De Propaganda Fide*, an organism of the Roman Curia – the pope's government to which he entrusted the task of exercising papal jurisdiction over the missionary activity of the Catholic Church throughout the known world. The mandate entrusted to the new Congregation was therefore vast. During the sixteenth century Catholic missions carried out by many religious orders (Franciscans, Dominicans, Augustinians, Jesuits and many others) had increasingly spread in extent and in many directions. In northern Europe there were missions for the conversion of Protestants ("heretics"), in Eastern Europe some existed to regularize the Orthodox ("schismatics"). Moreover, apostolic activity also extended to the non-Christian peoples of other continents, defined as "infidels" or "pagan." Finally, the Congregation also had to take care of preserving the faith among those Catholics who lived within non-Catholic states such as, for example, the communities of Eastern Christians in the Islamic world. It was an enormous commitment, all gathered under a single Congregation.[1]

In order to exercise this spiritual authority over the missions, *Propaganda Fide* needed to develop an adequate knowledge of the areas of its competence, which was in practice the entire world. This activity was pursued through a variety of channels, such as correspondence with mission superiors and missionaries and the careful exchange of news with apostolic nuncios – the papal representatives residing in the capitals of Catholic colonial powers where news traveled from all over the world. In addition, the Congregation collected travel chronicles, geography texts, and cartographic representations, both in

1 On the foundation and tasks of Propaganda, see J. Metzler (ed.), *Sacrae Congregationis de Propaganda Fide Memoria Rerum* I–III (Vienna-Freiburg-Rome: 1971–1976); L. Codignola, *Guide to Documents Relating to French and British North America in the Archives of the Sacred Congregation "de Propaganda Fide" in Rome, 1622–1799* (Ottawa: 1991) (https://ustpaul.ca/en/vatican-archives-and-canada/archives-of-the-propaganda-fide/); G. Pizzorusso, *Governare le missioni, conoscere il mondo nel XVII secolo: La Congregazione pontificia de Propaganda Fide* (Viterbo: 2018) and G. Pizzorusso, *Propaganda Fide I. La Congregazione pontificia e la giurisdizione sulle missioni* (Rome: 2022).

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manuscript and printed. Often these were produced by the missionaries themselves. The collection of this information in its archive formed the basis of *Propaganda's* daily decision-making.[2] The secretary of the Congregation, the institutional figure who kept all the information together, sometimes had to draw up texts that summarized the situation for certain territories or for particular problems. On some occasions general reports were also written that were mainly intended to illustrate the missionary activity of Propaganda throughout the world, but which also brought together various geographical, historical, ethnographic kinds of information. For historians, the collection of knowledge in the documents produced by *Propaganda* officials has a great interest not only for the information they contain, but also for understanding how Rome becomes an increasingly active node in the circulation of knowledge determined by the presence of religious throughout the world and by their connection with the center of the Catholic Church. Moreover, from a more strictly missionary perspective, these reports allow us to see what the Church's point of view was on the territories and peoples to be evangelized and also, as we will see, with a particular focus on the American case, the relationship with the colonial powers that control these territories.[3]

In this chapter I intend to use the first of these general reports entitled *Relation on the Four Parts of the World* written around 1631 (about ten years after the foundation of the Congregation) by the first secretary of *Propaganda*, Monsignor Francesco Ingoli, in order to examine the picture that is drawn of the New World, that is of the Americas, one of the four continents mentioned in the title.[4]

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2 The very rich historical archive of the Congregation preserves this documentation and testifies to the great intellectual effort of its officials, N. Kowalsky and J. Metzler, *Inventory of the Historical Archives of the Sacred Congregation for the Evangelization of Peoples or "de Propaganda Fide"* (Rome: 1988); F.X. Blouin (ed.), *Vatican Archives: An Inventory and Guide to the Historical Documents of the Holy See* (New York: 1998), 38–62. To get an idea of the sources, and to obtain handy indications about some volumes of the archive, one can still usefully consult C.R. Fish, *Guide to the Materials for American History in Roman and Other Italian Archives* (Washington D.C.: 1911).

3 On the flow of news from the New World to the center of Catholicism in the early modern age, see G. Pizzorusso, *From the Americas to Rome: Paths of Knowledge among the Roman Curia during the Seventeenth Century*, in G. Abbattista (ed.), *Knowledge and Representation of the World in Italy from the Sixteenth to the Early Nineteenth Century* (London-New York: 2021), 73–90.

4 Francesco Ingoli, *Relazione delle quattro parti del mondo*, ed. F. Tosi (Città del Vaticano: 1999). The part about America is on pages 229–267.

Francesco Ingoli (Ravenna 1578–Rome 1649)[5] was an example of that generation of papal officials who combined a theological-juridical formation at the university level with an extremely varied knowledge ranging from geography, astrology, astronomy, and foreign languages (he knew enough Arabic to be able to read it). He belonged to a scholarly class, of vast culture, though not innovative, which put itself at the service of the Holy See, through affiliation with cardinalitial families. At the time of Paul V Ingoli had been consultor of the Congregation of the Index in the question of the condemnation of Copernicanism and had written two polemical treatises against Galileo. He also participated in the Roman academies, maintaining contact with intellectuals such as Giovanni Battista Agucchi, his friend and mentor who helped him in the drafting of his text on the four parts of the world.[6] In addition, Ingoli had contributed to the reform of the conclave, the new method of electing the pope adopted by Gregory XV.[7] Finally, in the service of the Ludovisi family, the pope appointed him secretary of the newborn *Propaganda* where he remained in office for 27 years, until his death in 1649.

This wide and varied formation of the author is also reflected in the text of the *Relation of the Four Parts of the World* in which various themes alternate with recourse to sources of diverse types, from the information provided by the missionaries to the sacred texts and books present in the rich Roman libraries. The text, though rather dense, is written in a very rich and cultured style, perhaps also due to the contribution of Agucchi to whom Ingoli sent his texts for correction. This is already a distinctive element of the report; it is anything but a simple and bureaucratic description of places with their respective

5 J. Metzler, *Francesco Ingoli, der erste Sekretär der Kongregation*, in Metzler (ed.), *Sacrae Congregationis de Propaganda Fide Memoria Rerum* I/2, 197–243; G. Pizzorusso, *Ingoli, Francesco*, in *Dizionario Biografico degli Italiani*, 62 (Rome: 2004) *ad vocem*; Id., *Francesco Ingoli: Knowledge and Curial Service in 17th Century Rome*, in N. Fabbri and F. Favino (eds.), *Copernicus Banned: The Entangled Matter of the Anti-Copernican Decree of 1616* (Florence: 2018), 157–189.

6 Agucchi was the secretary of Pope Gregory XV and was known for his broad cultural education from astronomy, to art criticism, to the literary skill for which he was placed in charge of the drafting of the most important pontifical documents. On Agucchi see S. Ginzburg, *Giovanni Battista Agucchi and his Circle* in O. Bonfait, C.H. Frommel, M. Hochmann, and S. Schütze (eds.), *Poussin and Rome* (Paris: 1996), 273–292; M. Bucciantini, *Teologia e nuova filosofia: Galileo, Federico Cesi, Giovanbattista Agucchi e la discussione sulla fluidità del cielo* in C. Brice and A. Romano (eds.), *Sciences et religions de Copernic à Galilée* (Rome: 1999), 411–442.

7 On the subject see G. Wassilowsky, *Die Konklavereform Gregors XV. (1621/22): Wertekonflikte, symbolische Insenierung und Verfahrenswandel im posttridentinischen Papsttum* (Stuttgart: 2010); A. Paravicini Bagliani and M.A. Visceglia, *Il Conclave: Continuità e mutamenti dal Medioevo ad oggi* (Rome: 2018).

missions. Rather it constitutes a work, structured in a refined epistolary form of five very long letters addressed to the Capuchin missionary Valeriano Magni of Milan, resident in Prague, who at that time was one of *Propaganda*'s most trusted informants regarding the situation in the Habsburg Empire.[8] The five letters thus constitute the five chapters that form the text, the first four on the known continents and the fifth describing the structure and functioning of *Propaganda Fide*.

This attention to style and culture can explain how at the beginning of the fourth letter relating to the Americas – the subject of this essay – there is a very long introduction that is dedicated to the actual description of the territories and missions then in operation. The text of the letter begins with a reference to the traditional providentialist vision of the fourth continent whose discovery completes the knowledge of the lands created by God in the western part of the world that had been hitherto lacking. For Ingoli, the discovery came at an opportune moment, when Asia and Africa "for the punishment of their sins" had witnessed the rapid expansion of Islam and other infidel "sects" while Europe had seen the rise of the "new heresies" of Luther and Calvin.[9]

A new space had opened up to go and preach the Gospel to new peoples and, when the preaching of the true faith had spread to the four corners of the earth, there was also the prospect of the end of the world. Taking up the Book of Revelation (7:1), the four corners of the world – that is, the continents arranged according to the cardinal points of the compass[10] – are represented in an allegorical description in which each of the four continents is matched to the four animal figures pulling the chariot of God in the book of Ezekiel. They are the figures of the Tetramorph that, for astrologers, corresponded to the cardinal points and to the four evangelists. Thus we have Asia associated with the winged man and Matthew, Europe with the lion and Mark, Africa with the bull (or the ox) and Luke, and finally the Americas with the eagle and John.[11]

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8 A. Di Napoli, *Valeriano Magni da Milano e la riforma ecclesiastica in Boemia attraverso la corrispondenza della Congregazione de Propaganda Fide (1626–1651)* (Milan: 2015).

9 Ingoli, *Relation*, 231–232.

10 In Ingoli's allegorical world map the four continents correspond to the four corners of the world: Asia in the East, Europe in the North, Africa in the South and, finally, America in the West.

11 The Tetramorph is a symbol composed of four figures including a winged man, a lion, a bull, and an eagle, all pulling the chariot in which God is enthroned as described in the book of Ezekiel (Ez 1:4–10) as a vision that the prophet had while in Babylon. In the Book of Revelation (Rev 4–7) this figure is then associated with the four evangelists to whom God gives the book that they must go and preach to the four parts of the world seen as cardinal compass points. The theme of this allegory is linked to preaching and therefore

From this learned digression, rich with references to the Old Testament, Ingoli draws a more practical lesson, that of describing, through the allegory of the living beings of the Tetramorph, the prevailing characters of the four continents and, consequently, of establishing what might be the most effective way for missionaries to convert the different peoples. There is, of course, no space here to cover this allegorical image of the world in all its details. We can say first of all that it synthesizes that universalistic dimension, which had already appeared in the work of Giovanni Botero, the *Universal Relations*[12] in which the world was represented through the union of its parts, by characterizations of the various continents. This theme of the allegorical representation of the continents can be found in the religious iconography of Andrea Pozzo in the Jesuit church of Sant'Ignazio in Rome.

Limiting ourselves to our American theme, let us see what elements are taken by Ingoli from the association of the eagle with America and with the evangelist John.[13] In the Holy Scriptures the eagle symbolizes power, both spiritual and temporal, that imposes itself on the new lands and colonizes them (an obvious reference to the Spanish *Conquista*) for just as God had carried the Jewish people on the wings of an eagle to the promised land (Exodus 19:3–4). Ingoli does not want to speak of temporal power, but only of spiritual power. First, he makes a complex connection between the eagle and the sun on the basis that it is a bird that flies very high and therefore symbolizes the peoples of the two empires, the Aztecs and the Incas, in which the sun and light shine forth, in precious metals and in agricultural products as well as in their forms of worship. Moreover, the flight of the eagle recalls the brightness of the sky and the sun, which signifies the illumination of faith for barbarous and blind peoples. In addition, another natural element that bears great significance among the American peoples is thunder, which was also the epithet that Christ gave to John and which symbolizes the rapidity with which it follows the lightning. For this reason, Ingoli imagines that the American peoples, both those that had a vague idea of a creator god, though not one unique and omnipotent, and those who had no knowledge of the divinity at all, had been quickly converted by the intervention of the divine eagle.

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to the apostolate and is connected with the motto of *Propaganda Fide*: "Go into all the world and preach the Gospel to every creature" (Mark 16:15).

12 Giovanni Botero, *Le relazioni universali divise in quattro parti* (Venice: Appresso Giorgio Angelieri 1596). The title of Ingoli's work recalls that of Botero, see also G. Pizzorusso, *Conoscere per convertire: Botero, le Relazioni universali e l'evangelizzazione*, in E. Andretta, R. Descendre, and A. Romano (eds.), *Un mondo di Relazioni: Giovanni Botero e i saperi nella Roma del Cinquecento* (Rome: 2021), 135–175.

13 Ingoli, *Relation*, 237–241.

Secondly, Ingoli also expresses worries about moral character. For example, he warns that the Indians are still largely crude and primitive peoples, still given to idolatry and addicted to lust. For missionaries there could be a danger of being attracted to such vices and to the riches produced by America (precious metals) and being diverted from their apostolic duty. For this reason the figure of the evangelist John is a model of morality and the eagle is a sober animal that eats only what is necessary and therefore can be a symbol to propose to the Indians as a model of correct behavior. Moreover, the missionaries must also dedicate themselves actively to their spiritual office that elevates one, like the flight of the eagle, despising instead those earthly goods and those temptations (riches, lust) that the New World proposes. This attitude is also fruitful for the conversion of Indians who can see that the missionaries do not want to impose temporal authority or servitude on anyone, but rather to free them from their "feral and cruel customs."

At the end of this section in which the New World is inserted into the text as part of an allegorical representation of the whole world, Ingoli moves on to a more concrete description of human geography and missionary action.[14] On these last themes, Ingoli's exposition also becomes critical. He notes that before the arrival of the Spaniards, two large and densely populated state entities had been formed in Mexico and Peru in which a tyrannical monarchy had been established that subjugated the peoples and unified the languages. Superstitious practices, human sacrifices, and idolatry had led those empires to such degradation that they collapsed when confronted by the Spaniards, with their arquebuses and horses, mistaking the invaders at least initially for gods. In these territories, as a result, the Spaniards imposed their dominion and, thanks to the apostolic activity of the religious, in particular Franciscans, Dominicans and Augustinians, the Catholic religion spread with the founding of dioceses and churches. However, warns Ingoli, in the parts of the continent where the Indians had never been assembled into a state and then had not been subjected to the direct domination of the Spaniards and had resisted the conquest with their primitive weapons, idolatry still predominates because those peoples equated the Christian religion with submission to the Spaniards. Moreover, even those who had been subdued, after the early days, showed that they did not welcome Catholicism if Spanish control diminished.

From the ethnic point of view, a complex situation had been created consisting of three parts. There were spaces inhabited only by Christians; spaces where Christians were mixed with local Indians or slaves brought from Africa;

14 Ingoli, *Relation*, 241–246.

finally, spaces inhabited only by Indians who had never known Christianity. For each of these three areas of the Hispano-American Church, Ingoli had words of appreciation but also of criticism. The first corresponded to the territory that can be defined as colonized, where the King of Spain had provided for the founding of dioceses and parishes and had introduced Tridentine principles and related institutions (parishes, seminaries, diocesan synods). It seems, continues Ingoli, that there is no need for missionaries, even if the territory is vast. However, for the papal authorities it was always very difficult to obtain information about the spread and practice of worship in those territories due to the fact that the King of Spain did not allow foreigners to be there and above all had always prevented an apostolic nuncio from residing there who could have sent information to the Holy See in a continuous and adequate way. This opposition depended on the rights of royal patronage over the American Church that the Iberian Crowns had received from the popes at the time of the discoveries when the papacy had preferred to delegate the ecclesiastical organization of the New Worlds to the monarchies which could, in virtue of these rights, withhold ecclesiastical taxes (tithes) and appoint clergy at all levels. This had led to a large-scale development of the Church under state tutelage but also to a renunciation of the exercise of a direct jurisdiction of the pope that *Propaganda* now wished to recover and that led Secretary Ingoli to take very critical positions against the regime of the *Patronato*, defended and strengthened by Spain.[15]

For the mixed areas where the new converts, whether Indians or even slaves brought from Africa, lived side-by-side with Christians but also with unconverted natives, the risk reported by the secretary was that these might fall back into idolatry. Here the missionaries were needed to prevent the return of converts to the darkness of infidelity. Ingoli's criticism in this regard was related to

15 The effects of the concessions made by the popes to the Iberian sovereigns do not concern *Propaganda Fide* as far as they pertain only to missionary themes, but that they touch the government of the papacy as a whole, impeding the interference of various pontifical congregations in American affairs or in the sending of visitors or apostolic nuncios. The latest studies, however, have shown how this impediment created by the *Patronato* concerned in a more rigid way the institutional aspects and issues of political concern (including, for example, the appointments of bishops or even missionary strategy as a whole). Rather there was no lack of contacts between Rome and the Americas in a more properly religious sphere (petitions for dispensations, recognition of confraternities), always in the framework of a more or less effective control by the *Consejo de Indias*. For a summary of themes and bibliography see B. Albani and G. Pizzorusso, *Problematizando el patronato regio: Nuevos acercamientos al gobierno de la Iglesia ibero-americana desde la perspectiva de la Santa Sede* in T. Duve (ed.), *Actas del XIX Congreso del Instituto Internacional de Historia del Derecho Indiano Berlin 2016*, (Madrid: 2017), vol. I, 519–544.

the harsh treatment that the Spaniards reserved for Indians and slaves, even converts. All this was not conducive to conversions. Ingoli did not want to abolish slavery, but he believed that the treatment to which legally recognized slaves and de facto slaves – Indians destined for forced labor – were subjected was too inhumane and certainly had to be made less harsh.

As for the third group, Ingoli refers to the "countless" Indians who live in territories not controlled by the Spaniards. In this case, according to the secretary, the evangelical effort was not sufficient and the Spaniards had to provide for it, despite linguistic and territorial difficulties. However – and here is the most critical part of the text – it was necessary to avoid the appearance that Christianization might be seen by the Indians as a component of the violent domination imposed by the Spaniards. It would have been appropriate, even necessary, for the King of Spain to permit access to missionaries who carried out conversions with the "gentle apostolic manner that is accompanied by the Holy Spirit," and not with the help of the sword. For this reason, the spiritual authority of the pope needed to be recognized in America to a greater extent. According to Ingoli, the very structure of the American Church would change given the presence of bishops who were independent of the power of the crown, and who dedicated themselves to pastoral care without aspiring to the riches and privileges of their position. In addition, there should be apostolic delegates, representatives of the pope, with the authority to choose as bishops suitable religious men, known to Rome. For all this, Ingoli continues, it was necessary that the Holy See be adequately informed of the situation of the Hispano-American Church, allowing religious to come to Rome. Ingoli therefore proposed an ecclesiastical hierarchy more linked to the pope and less to Spanish authority in order to prevent the Indians from suspecting that Christians "were all Spaniards," that is, violent dominators. All this would make it easier to convert even those peoples who had shown themselves "toughest and most barbaric and most suspicious [...] that the gentle yoke of Christ may not become for them a harsh yoke of servitude."[16] In fact, it was necessary that the missionaries not be content only to convert the Indians who were inside the Spanish empire, but also those who were on the frontiers and beyond, north of New Spain (Mexico), or in Chile or in the mountains of Peru. This part of Ingoli's text constitutes a clear and forceful criticism of the regime of the *Patronato Regio* since it links the organization of the Church to the colonial political power that in fact did not favor the apostolic impulse towards new peoples, limiting the success of evangelization. In conclusion, Ingoli claims

16 Ingoli, *Relation*, 246–247.

that *Propaganda Fide* must intervene, despite the *Patronato*, in the American missions, thus touching on a very delicate issue in the relationship between the Holy See and the Spanish monarchy. This part of Ingoli's work has a markedly political character and shows how, despite the difficulty of receiving information, the secretary of *Propaganda* had been able to formulate a program of action that would certainly have clashed with Spanish policy.[17]

After this section, which reads as a polemical excursus against Spain, Ingoli takes up a broad and detailed geographical description of the two Americas, also focusing on the Indian populations and the presence of Europeans and the prospects of evangelization.[18] Within this learned discussion, in which toponyms often appear that are difficult to attribute to specific places or geographical spaces, we can detect some points that show Ingoli's level of knowledge of the New World and therefore the flow of recent news that reached *Propaganda Fide*.

Describing North America, the text cautions about the risk represented by the Protestant English colonies on the Atlantic coasts for the spread of heresy among the native peoples. Faced with this danger, an attempt was made to found missions in the Catholic colonies, as did the French or even the English Catholics. He mentions the Catholic Lord George Calvert, First Baron Baltimore, father of Cecil the founder of the colony of Maryland in 1634, who in the 1620s had planned to establish an English colony on the island of Newfoundland.[19] In this land – christened 'Avalon' after the name of the land where the first preaching of Christianity in England by St. Joseph of Arimathea took place – a mission of English Discalced Carmelites would also have been founded organized by Simon Stock (born Thomas Doughty) who had studied at the English College in Rome from 1606 to 1610 and who became one of the first sources for *Propaganda*. In fact, it was Stock in 1630, after the Avalon project had failed, who warned the Congregation of the emigration of many Puritans to North America, predicting that they would convert the Indians to Calvinism.[20] The concern for the arrival of Protestants in the New World emerges in Ingoli's text also as regards Brazil. Ingoli reported the news of the Dutch attack on the port

17 During his mandate as secretary, Ingoli wrote various texts on these issues, which remained in manuscripts contained in the archive of *Propaganda Fide*, dating both before and after the drafting of the *Relation of the Four Parts of the World*. These texts are published in Metzler (ed.), *Sacrae Congregationis de Propaganda Fide Memoria Rerum* III/2, 677–695.

18 Ingoli, *Relation,* 247–263.

19 Ingoli, *Relation*, 254–255.

20 L. Codignola, *The Coldest Harbour of the Land: Simon Stock and Lord Baltimore's Colony in Newfoundland, 1621–1649* (Kingston-Montreal: 1988).

of Bahia in 1624 and also that of Pernambuco (Recife) conquered "recently" by the Dutch. In fact it was very recent news (the attack on Pernambuco was in 1630, with Ingoli's text written the following year).[21] The worries about the Protestant presence in the New World that began to assert themselves at the beginning of the seventeenth century were very important for Ingoli in particular and for *Propaganda* in general. In fact, as we have stated, opposition to Protestantism was one of the most important responsibilities of the Congregation in Europe which – given the worldwide expansion of the northern European powers – transferred itself to other continents. This also had a consequence on broadening the field of action of the Roman congregation. In fact, Spain and Portugal could no longer invoke the right *Patronato Regio*: in the territories that had passed under the control of the Protestants, such an intervention by *Propaganda* was absolutely legitimate and justified.

The extensive examination made by Ingoli on the various parts of the American continent shows what his sources were. In his text on America the secretary of *Propaganda* does not name his bibliographic and cartographic references, even if it is evident that he consults them and refers in general to "cosmographers."[22] Certainly his critical observations on Spanish colonization could also have come from reading Las Casas. It should be noted that the first Italian edition of the famous *Brevísima Relación de la destrucción de las Indias* of the Dominican on Spanish violence was published in Venice in 1626, therefore during the years of composition of Ingoli's text.[23]

But the most direct information contained in the text is that which Ingoli received from some informants who often came to Rome and who met directly with the secretary, depositing written reports with *Propaganda*. These were missionaries sent to the Eternal City to participate in the general chapters of their order, an occasion that allowed them to receive the permission of the crown to come to Rome. The names of these missionaries, Franciscans, Dominicans, Augustinians, recur often in these years. They stayed for a certain period of time and then returned to America via Madrid. These were important figures who held consultation with Ingoli while in Rome. For example, the Franciscan Gregorio Bolivar, who reported to *Propaganda* on the development

21 Ingoli, *Relation,* 261–262. On the Dutch settlement see: Ch. R. Boxer, *The Dutch in Brazil, 1624–1654* (Oxford: 1957); the Dutch allowed the practice of Catholic worship and the presence of missionaries from France.

22 Ingoli, *Relation,* 263.

23 *Istoria o brevissima relatione della distruttione dell'Indie Occidentali di Monsig*[*or*] *Reverendiss*[*imo*] *Don Bartolomeo delle Case o Casaus*, in Venetia, presso Marco Ginammi, 1626. The Italian translation was done by Francesco Bersabita (pseudonym of Giacomo Castellani).

of the English colonization in Virginia,[24] the Augustinian Pedro Nieto, author of a long report against the *Patronato*, or his fellow brother Pedro Zamudio, who hoped for a greater intervention of *Propaganda* in America. Ingoli defined these as 'religious Indians,' but we must agree that the use of this term can be misleading: they were most likely creoles, and as such 'indigenous' that is, Spaniards born in America, perhaps even mestizos.[25] This issue is complicated because it is intertwined with the policy of *Propaganda*, supported by Ingoli, of encouraging indigenous clergy. The secretary's ambiguous use of the word 'Indians' leads to this confusion. In any case, the fact that these religious were creoles refers to another significant and much-studied question: that of the increasing weight that the creole component assumed in the American provinces of the religious orders, which was the basis of the so-called 'alternative,' that is, the alternation of Spanish 'peninsulares' (those born in Spain) and creoles at the head of these provinces that, in this way, tended to become more and more autonomous with respect to those in Spain.[26]

Returning to the information provided to Ingoli by these informants, we can say that from these sources emerge the most critical considerations with respect to the American church and to the reform proposals that Ingoli wanted to promote by means of the missionary dicastery that often had a global value, not only limited to America. Regarding the New World, Ingoli had presented reports in the late 1620s whose themes were favorable to the creation of the indigenous clergy joined with criticism of the Hispano-American Church, which the secretary of the congregation accused of having limited itself to providing a structure within the territories controlled by the Spanish, without also undertaking missions in the vast territory beyond the imperial frontiers. Regarding these parts of the continent outside the Spanish Empire, Ingoli provides extensive descriptions, using a wide range of toponyms and names of

24 P. Gato, "El informe del P. Gregorio Bolivar a la Congregación de Propaganda Fide de 1623", *Archivo Ibero-americano* 50 (1990), 493–548; "Father Gregorio Bolivar's 1625 Report: A Vatican Source for the History of Early Virginia," E.L. Bond, J.L. Penkowski, and A.P. Weber (eds.), in *The Virginia Magazine of History and Biography* 110/1 (2002), 69–86.

25 Bolivar and Nieto met Ingoli in Rome and provided him with information which he used in his reports. Cf. Ingoli, *Relation*, 251–258 and G. Pizzorusso and M. Sanfilippo, *L'America iberica e Roma fra Cinque e Seicento: Notizie, documenti, informatori*, in *Gli archivi della Santa Sede e il mondo asburgico nella prima età moderna*, M. Sanfilippo, A. Koller, and G. Pizzorusso (eds.) (Viterbo: 2004), 88–96. On Bolivar see the bibliography *supra*; on Nieto, P. Colletta, *Relazione sulla Nuova Spagna: Il memoriale dell'agostiniano Pedro Nieto (1628)* (Palermo: 2004).

26 G. Pizzorusso, *Nuovo mondo cattolico: Chiese coloniali, chiese missionarie, chiese locali (XVI–XIX secolo)* in *Il papato e le chiese locali. Studi: The Papacy and the Local Churches. Studies*, P. Tusor and M. Sanfilippo (eds.) (Viterbo: 2014), 205–255.

Indian peoples and tribes and indeed predicting further discoveries of lands and related peoples, particularly in the southern lands about which uncertain information had just begun to circulate. For Ingoli these immense territories were naturally destined to receive missionaries, even if the few expeditions attempted, which the secretary recalls, had always failed. He mentions missions to the 'giants' of Patagonia and also gives data on the climate by stating, for example – on the basis of the recent Dutch trips that had rounded Cape Horn – that the missionaries could have gone to those regions where the temperature was not lower than in Germany or Poland.[27]

Despite the summary treatment that we must adhere to in describing Ingoli's rich text, we must also mention Portuguese America: Brazil.[28] In this case Ingoli also speaks of the Jesuits, pointing out their apostolic methodology which consisted in bringing together the Indians (who in the Brazilian case were often nomadic or semi-nomadic tribes) with the Portuguese for the purpose of a more thorough evangelization. It alludes to the *aldeias* system where converted Indians were gathered.[29] It should be noted instead that Ingoli does not speak of the Jesuits in Spanish America despite the fact that the missions of the Society of Jesus were in a period of great evolution, with a debate on the acceptance of Indian parishes (the *doctrinas*) and on the beginning of the *reducciones*, in particular at the time of General Claudio Acquaviva.[30] José de Acosta, the provincial of Peru, is not cited, for example, nor his *De Procuranda Indorum Salute*, published in Salamanca in 1588. Ingoli must have known about it since from it he took certain themes of his missionary method. It is not easy to give an adequate explanation for this absence. As is well known, the Society of Jesus did not have frequent contact with *Propaganda*. In fact, the Society since its foundation in 1540, by virtue of the fourth vow for the missions contained in the Constitutions of the order (n. 527), was believed to be exclusively under the direct authority of the pontiff, not subject to the intervention of other intermediate bodies. For this reason, at least until the suppression of 21 July 1773 with the apostolic brief *Dominus ac Redemptor* of Pope Clement XIV, the Company

27 Ingoli, *Relation*, 259.

28 Ingoli, *Relation*, 261–262.

29 Ch. de Castelnau-L'Estoile, *Les ouvriers d'une vigne stérile : Les jésuites et la conversion des Indiens au Brésil 1580–1620* (Lisbon-Paris: 2000).

30 *I gesuiti ai tempi di Claudio Acquaviva: Strategie politiche, religiose e culturali tra Cinque e Seicento*, P. Broggio, F. Cantù, P.-A. Fabre, and A. Romano (eds.), (Brescia: 2007); G. Wilde, *Religión y poder en las misiones de guaraníes* (Buenos Aires: 2009); *The Acquaviva Project: Claudio Acquaviva's Generalate (1581–1615) and the Emergence of Modern Catholicism*, P.-A. Fabre and F. and Rurale (eds.), (Boston: 2017); I.G. Zupanov (ed.), *The Oxford Handbook of the Jesuits* (Oxford: 2019).

always had a posture of limited collaboration with *Propaganda* and sometimes had one of confrontation, such as in the questions of the Chinese and Malabar rites.[31] However, Ingoli and his successors always recognized the contribution of the Jesuits to evangelization and, in fact, in other parts of his *Relation* the secretary speaks of these successes.[32]

At the end of the geographical description of the American continent, Ingoli briefly discusses[33] the Pacific Ocean (which he calls by the name widespread at the time of 'Mar del Sur') observing the absence of islands along the American coast and asserting that it is necessary to sail for 5000 miles before arriving at the islets of Solomon "discovered in our times." Referring to the division of the land that "the geographers" make,[34] he considers these as part of the West Indies and speaks of New Guinea, an extensive territory indeed and at that time unknown whether island or mainland, so called for the similarity that the first explorers detected with respect to the Africans of the Gulf of Guinea. However, Ingoli states that the numerous islands that are located in these parts are difficult to attribute to the East or West Indies since it is a border area in which the formal division established between Spain and Portugal with the Treaty of Zaragoza (1529) had not been respected.

A final part of Ingoli's text concerns an analysis of Indian cults and beliefs.[35] The secretary starts from a general consideration, valid for the whole world, relating to the similarities that the different religions have between them in cults, rituals, and liturgies, which come to be confused with idolatries, the adoration of false divinities, and heresies. For Ingoli this observation leads to two positive consequences for the hopes of evangelization: the first is that God grants all peoples the means to obtain eternal salvation; the second is that although men may follow different superstitions and beliefs, they tend by nature to the same things, and this means that it is not difficult for them to adhere to Christianity. If for Asia or Africa it can be said that these similarities are apparent and determined by the overlaps that have occurred between the various religions over the centuries, for the New World – which remained absolutely separate from the Old until the discovery of Columbus – this is not possible. Discarding the hypothesis that these similarities are a deception of the devilish "monkey of Christ" (as he did in the Old World with heretics,

31 I.G. Zupanov and P.-A. Fabre (eds.), *The Rites Controversies in Early Modern World* (Leiden-Boston: 2018).

32 On the conflict between Jesuits and Propaganda, see G. Pizzorusso, *Propaganda Fide 1*, 361–384.

33 Ingoli, *Relation*, 262–263.

34 Ingoli, *Relation*, 148.

35 Ingoli, *Relation*, 263–267.

schismatics, Jews, and Muslims), for Ingoli there remains only an edifying explanation. It was Divine Goodness that gave "such instincts and rites, and such natural lights to those blind people,"[36] to those men, foreseeing that they – once reached by the missionaries – might be converted in an easier way. This has in fact happened and therefore this suggests that the other Indians not yet approached by the missionaries can do the same. For this reason, these similarities are therefore not counterfeits, but a precious resource that facilitates the work of conversion by the missionaries.

After stating this premise, so imbued with a providentialist optimism, Ingoli goes on to describe the elements of Indian beliefs similar to elements of Christian theology and cultic and liturgical practices, finding them in temples, in the vestments of priests, in prayers and processions, and in other forms comparable to the sacraments. Certainly, however, Ingoli recalls, all these "confused shadows" were mixed in with every sort of superstition, such as human sacrifices. Nevertheless, the effort of the missionaries should have been precisely to start from these similarities, correcting the theological premises, and using them to better insinuate themselves among the population, converting them to orthodox and Tridentine Catholicism. For example, among polytheistic populations who have one divinity superior to others, one can demonstrate that there is only that God and that the other figures are angels, saints, and blesseds. In short, evangelizing means for Ingoli enlightening men with the knowledge of the true divinity and in fact he cites St. Paul and the discourse on the unknown God that he delivered to the Athenians.[37]

So the religiosity of pagans can be a useful element in conversion. Instead, the more distant the various peoples are from the faith, the more barbarous they are, and the greater the commitment needed on the part of missionaries and also of the laity with respect to customs, rites, and languages. This passage, in addition to showing Ingoli's theological training, can also be read as an alternative apostolic method to that carried out by the Spaniards and, in particular, by the Jesuits in the eradication of idolatry and superstition with inquisitorial methods by paying greater attention to local cultures and a

36 Ingoli, *Relation*, 264–265.

37 *Acts of the Apostles*, 17:22–31. This refers to the episode in which the Apostle Paul in the Areopagus was able to proclaim to the Athenians the God whom they worshiped even though they did not know him, the unknown God to whom they had dedicated a plaque, presenting His existence on the basis of their culture and religiosity, but without understanding Him. The meaning is therefore not to reject these elements but to highlight their positive role, even if in itself it is insufficient to have awareness of the true faith.

'gentle' introduction to Catholicism, though without any concessions on the level of religious orthodoxy.[38]

Ingoli's text on the Americas constitutes a part of a work that deals with the whole world and that insists above all on the spread of Catholicism, written by a secretary of a congregation of the Curia who we know has great cultural formation in various fields, in particular the geographical and the astronomical. The purpose of this work was certainly to exalt the evangelizing action of the Church and, above all, the initiative that Rome could exercise, especially *Propaganda Fide*. Recall that it is a text that considers the activity of *Propaganda* from 1622 to 1631: the first ten years of its existence. Although sometimes celebratory, especially in the fifth letter that extols the work of *Propaganda Fide*, it is nevertheless not an apologetic text, but a highly critical one. We can try to decipher the author's intentions. Ingoli wanted to give a picture of religion in the world and of the action of Catholic missionaries. In this he had an illustrious predecessor in Giovanni Botero, author of the *Universal Relations*, certainly a more complex and extensive work, which we have already mentioned.[39] Ingoli constructs his text on the basis of an in-depth knowledge that certainly comes from deep reading and also academic patronage and relationships with men of culture such as the aforementioned Giovanni Battista Agucchi. Moreover, as we have said, Ingoli shows in this text the effectiveness of the relationship of

38 The fight against idolatry saw an initial phase in the first half of the sixteenth century when a systematic destruction of idols took place according to the method called the *tabula rasa*. In the second half of the century, when many conversions had been made, it was feared that the new converts would secretly practice the old rites. Special missions and inspections were undertaken that also included the use of force that lasted until the following century against this phenomenon that was seen as the danger of contamination of Catholicism. On the topic P. Duviols, *La lutte contre les religions autochtones dans le Pérou colonial : L'extirpation de l'idolâtrie entre 1532 et 1660* (Lima: 1971); K. Mills, *An Evil Lost to View? An Investigation on post-evangelization Andean Religion in Mid-Colonial Peru* (Liverpool: 1994); J.C. Estenssoro Fuchs, *Del paganismo a la santidad: La incorporación de los Indios del Perù al catolicismo, 1532–1750* (Lima: 2003); A. Maldavski, *Vocaciones inciertas: Misión y misioneros en la provincia jesuita del Perù en los siglos XVI y XVII* (Sevilla-Lima: 2012); N. Griffiths, *The Cross and the Serpent: Religious Repression and Resurgence in Colonial Peru* (Norman: 1996); C. Bernand and S. Gruzinski, *De l'idolâtrie: Une archéologie des sciences religieuses* (Paris: 1988); P. Borges, *Historia de la Iglesia en Hispanoamérica y Filipinas, siglos XV–XIX* (Madrid: 1992).

39 The fourth part of this work (published in Bergamo in 1596) is entirely dedicated to the Americas. On Botero and America see A. Albonico, *Il mondo americano di Giovanni Botero, con una selezione dalle Epistolae e dalle Relationi Universali* (Rome: 1990); Id. *Il cardinale Federico "americanista"* (Rome: 1990) and more recently M.M. Benzoni, *"Il mondo più piccolo": America spagnola e mondializzazione iberica all'Ambrosiana*, in *Milano, l'Ambrosiana e la conoscenza dei nuovi mondi* (*secolo XVII–XVIII*), M. Catto and G. Signorotto (eds.), (Roma-Milano: 2015), 177–207.

*Propaganda* with the missionaries for the purpose of understanding the local realities of the missions, an element at the base of the jurisdictional activity of *Propaganda* itself. In this way this text touches on different themes, from physical and human geography, to world geopolitics, to religious ethnology.

But a second purpose is to provide a picture of the missions to build a missionary strategy of the congregation. In this sense, the text highlights criticisms and projects, particularly with regard to America. The criticism is directed primarily at the Spaniards, for the fact that they do not have the confidence of the Indians because of their violence; moreover, Ingoli accuses the Spanish religious of not dedicating themselves to the mission, preferring instead the ease and comforts of life inside the colony. The projects concern the need to face the new situations created by the foundations of the Protestant Dutch and English colonies, and with the development of a non-violent conversion method, without the need for the support of Spanish power and based on a local 'indigenous' clergy. These positions so critical of Spain, together with others contained in the parts relating to the other continents (in particular against the Portuguese), often recurred in the documents drawn up by Ingoli in his activity as secretary. They were probably at the origin of the misfortune of this text. It is not known whether it was written solely for internal use within the congregation. The richness of themes and the attention to form and detail would seem to aspire to something more. We know that after the completion of the work it was decided to publish an edition exclusively for internal use by the cardinal members of *Propaganda*, with the guarantee that it should not circulate externally. Yet, even this solution was discarded and the manuscript, with the last corrections practically ready for printing, remained buried in a single exemplar in a family archive until the end of the twentieth century. Although much of what is written there is also known from archival documentation, it remains a synthetic text of exceptional interest, demonstrating the knowledge of the world that *Propaganda* had at its disposal and the main points of its missionary strategy in the world. The case of America shows well how this strategy is measured on the one hand with the local religions that the missionaries encountered and described as anthropologists, and on the other hand with the international politics of the European colonial powers. From these two dimensions of information and decision-making, always kept in mind in missionary documentation, one also derives the knowledge of the New World that matured in the offices of the Roman Curia.

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The Roman Curia is the oldest extant body of institutional administration in the world. Indeed, it was the prototype for the development of centralized government in the monarchies of the Middle Ages. Further, it was the administrative backbone of the first worldwide organization in human history. It developed policies, laws, and procedures that continue to affect the entire world. This book offers scholarly contributions from the origins of the Curia to the early Modern period.

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